ONTARIO

Report

of the

SELECT COMMITTEE ON LABOUR RELATIONS

of the

ONTARIO LEGISLATURE

MR. JAMES A. MALONEY, Q.C.
Chairman

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SELECT COMMITTEE ON LABOUR RELATIONS

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ONTARIO LEGISLATURE

James A. Maloney, Q.C., *Chairman*	Renfrew South
G. E. Jackson	London South
Robert W. Macaulay, Q.C.	Riverdale
Donald C. MacDonald	York South
Ellis P. Morningstar	Welland
Raymond M. Myers, Q.C.	Waterloo South
Arthur J. Reaume	Essex North
H. Leslie Rowntree, Q.C.	York West
George C. Wardrope	Port Arthur
Albert Wren	Kenora
John Yaremko, Q.C.	Bellwoods

George T. Walsh, Q.C.	Committee Counsel
Harold Perkins	Committee Secretary

Appointed March 27th, 1957
Reappointed March 26th, 1958
Report dated July 10th, 1958

LETTER OF TRANSMITTAL

Toronto, Ontario,
July 10th, 1958.

To the Honourable the Legislative Assembly
of the Province of Ontario.

HONOURABLE MEMBERS:

On the 27th of March, 1957, during the Third Session of the twenty-fifth Legislature, the following resolution was passed on the motion of the Honourable Leslie M. Frost, Q.C., Prime Minister of Ontario, seconded by the Honourable Charles Daley, Minister of Labour —

"That a Select Committee of the House be appointed to examine into and report regarding the operation and administration of The Labour Relations Act in all of its aspects.

"And that the Select Committee have authority to sit during the interval between Sessions and have full power and authority to call for persons, papers and things and to examine witnesses under oath, and the Assembly doth command and compel attendance before the said Select Committee of such persons and the production of such papers and things as the Committee may deem necessary for any of its proceedings and deliberations, for which purpose the Honourable the Speaker may issue his warrant or warrants.

"The said Committee to consist of eleven members, as follows —

"Mr. Maloney (Chairman), Messrs. Jackson, Macaulay, MacDonald, Morningstar, Myers, Reaume, Rowntree, Spooner, Wren, Yaremko."

On the 26th of March, 1958, during the Fourth Session of the twenty-fifth Legislature, the following resolution was passed, on the motion of the Honourable Leslie M. Frost, Q.C., Prime Minister of Ontario, seconded by the Honourable Charles Daley, Minister of Labour —

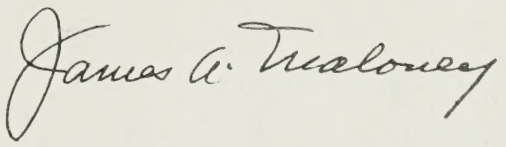
"That the Select Committee of the House, appointed on March 27th, 1957, to examine into and report regarding the operation and administration of The Labour Relations Act in all of its aspects, be reappointed with the same powers, duties and privileges as conferred by the former motion;

'The said Committee to consist of eleven members as follows —

"Mr. Maloney (Chairman), Messrs. Jackson, Macaulay, MacDonald, Morningstar, Myers, Reaume, Rowntree, Wardrope, Wren and Yaremko."

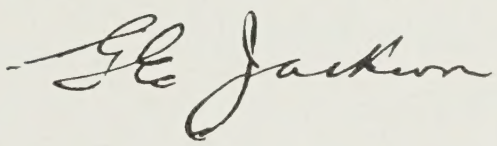
The Hon. Member for Port Arthur (Mr. Wardrope) is taking the place of the now Hon. Minister of Mines (Mr. Spooner).

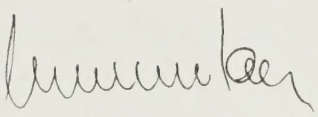
This Committee having completed its work, respectfully presents the report which follows:

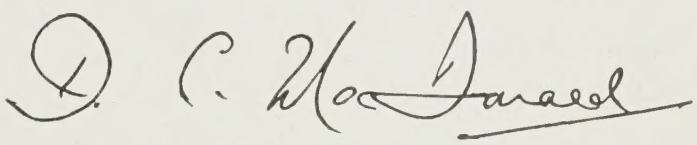


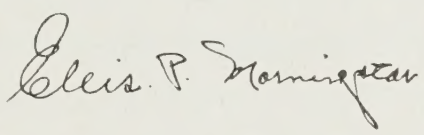
JAMES A. MALONEY, *Chairman*

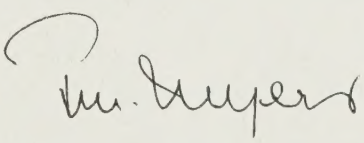
Members of the Committee

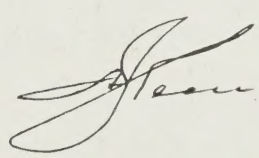
G. E. JACKSON 

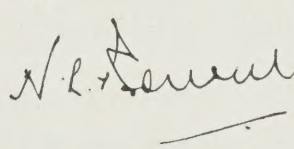
R. W. MACAULAY 

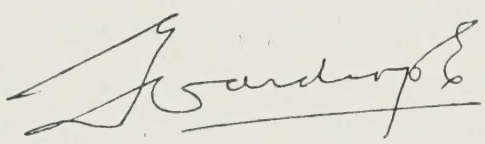
D. C. MACDONALD 

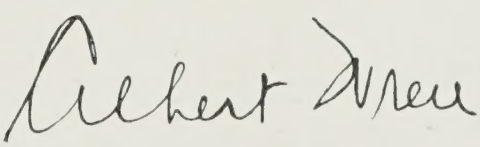
E. P. MORNINGSTAR 

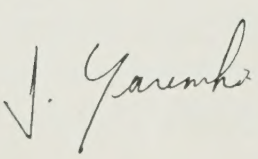
R. M. MYERS 

A. J. REAUME 

H. L. ROWNTREE 

G. C. WARDROPE 

A. WREN 

J. YAREMKO 

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INTRODUCTION

Pursuant to the resolution appointing this Select Committee on 27th March, 1957, the Committee met on April 17th, 1957, for organizational purposes, and on June, 24th, 1957, commenced public hearings at which representatives of Management, Labour, and other organizations appeared with written briefs containing their views and recommendations in regard to The Labour Relations Act and its administration.

These hearings continued until January 31st, 1958, when it was found to be impossible for the Committee to complete its work, and present a report to the Fourth Session of the twenty-fifth Legislature.

Consequently, on March 25th, 1958, an Interim Report was presented to the Legislature on the progress made, and requesting that the life of the Committee be extented to enable it to continue its investigation immediately after the Fourth Session was prorogued.

The Committee was reappointed on March 27th, 1958, and continued its study of the problems involved until July 10th, 1958.

A copy of the Interim Report of this Committee is attached hereto as Appendix No. A on page 46 of this Report.

One of the functions of Government in a democracy is to resolve conflicts among individual and group interests to the extent necessary to protect the public interest, using the minimum degree of compulsion to that end. The decisions of Government must often be based on a choice of competing values.

In the field of Labour-Management relations, the dominant public interest lies in the preservation of industrial peace, and protection of the individual worker against oppression. At the same time, the public has a vital interest in encouraging free competition between labour and industry as elsewhere in our economic society. When these values conflict, as they sometimes do, the problem of striking a proper balance is a difficult and delicate one.

Free competition implies the right of labour to strike and the right of management to resist. It implies the right of unions and management to negotiate agreements on wages, hours and working conditions according to their own standards, to establish their own system of adjusting disputes arising under such agreements, and to choose their own means of enforcement. The process of collective bargaining, then, is governed by considerations of co-operation as well as competition. Competition may lead to injustices to individual workers. Since these are matters of public concern, what role should Government in all its branches play in the collective bargaining process? What is needed is less reliance on Government in collective bargaining, and more self-reliance by the parties.

A sound Labour-Management relationship requires that both management and the employees work together to the end that the quality and cost of the product will prove increasingly successful. Though differences will inevitably arise, there is no reason why these differences cannot be peacefully and satisfactorily adjusted by sincere and patient effort on both sides. Such a philosophy can best be effected through full use, and through improvement of the processes of collective bargaining, rather than through increased governmental intervention.

ACKNOWLEDGMENTS

In order to undertake a study of such a comprehensive subject as Labour Relations, the Select Committee on Labour Relations was fortunate in securing a great deal of expert information and detailed data from a number of sources.

The Minister of Labour, the Hon. Charles Daley, was most gracious in offering the Committee the assistance and co-operation of his Department and Staff, including:

Mr. J. B. Metzler, Deputy Minister of Labour.
Mr. Louis Fine, Chief Conciliation Officer.
Mr. D. M. Mather, Special Representative, Department of Labour.
Mrs. J. C. Grimshaw, Economist.
Mr. F. Parmenter, Statistician.
Miss Alice M. Buscombe, Statistician.
Professor Harold A. Logan, Consultant.

The Committee also acknowledges valuable technical assistance from —

Professor J. Finkelman, Chairman of Labour Relations Board.
Mr. G. W. T. Reed, Vice-Chairman of Labour Relations Board.
Mr. A. M. Brunskill, Registrar of Labour Relations Board.
Mr. E. Etchen, Statistician.

The Committee also extends thanks to the following for co-operation and assistance —

Mrs. M. Fraser, Legislative Librarian, Queen's Park.
Mr. M. M. Maclean, Asst. Deputy Minister of Labour, Ottawa.
Mr. George C. Haythorne, Asst. Deputy Minister of Labour, Ottawa.
Miss Edith Lorentsen, Director of Legislation Branch, Ottawa.
Mr. Bernard Wilson, Canada Labour Relations Board.
Mr. Douglas M. Young, International Labour Office, Ottawa.
Miss M. Currie, United Kingdom Information Service.
Mrs. Clara M. Beyer, U.S. Dept. of Labour, Washington, D.C.
Mr. R. J. Mitchell, Chairman, Jurisdictional Board, Washington, D.C.
Mr. John T. Dunlop, Ex-Chairman, Jurisdictional Board, Washington, D.C.
Judge J. C. Anderson, Belleville — Chairman of Conciliation Board.
Judge Walter Little, Parry Sound — Chairman of Conciliation Board.
Professor Bora Laskin, Faculty of Law, Toronto University.
Professor J. C. Cameron, Industrial Relations Dept., Queen's University.
Professor H. D. Woods, Industrial Relations Dept., McGill University.
Mr. Donald MacLeod, Harvard University.
Mr. John R. Kinley, National Industrial Conference Board, Inc.

Mr. C. C. Belden, Industrial Relations Counsellors Service, Inc.

Mr. Norman Mathews, Q.C.

Mr. John Osler, Q.C.

Mr. J. C. Adams, Q.C.

Mr. E. Macaulay Dillon, Q.C.

Mr. A. C. Crysler, Q.C., Toronto Board of Trade.

Mr. G. C. Bernard, Canadian Manufacturers Association.

Mr. E. F. L. Henry, Canadian Manufacturers Association.

Mr. H. J. Clawson, Steel Company of Canada Ltd.

Mr. L. W. Howes, Toronto Builders Exchange.

Mr. D. F. Hamilton, Ontario Federation of Labour.

Mr. Eamon Park, United Steelworkers of America.

Mr. George Burt, United Autoworkers of America.

Mr. A. G. Hearn, International Union of Building Service Employees.

Mr. Edmund Boyer, United Brotherhood of Carpenters and Joiners.

Mr. Clive Thomas, National Council of Canadian Labour.

Mr. R. P. Rintoul, National Union of Public Employees.

Mr. Ross Russell, United Electrical Radio and Machine Workers.

Mr. Arthur Williams, United Mine Workers of America Dist. 50.

Mr. R. L. Stevenson, International Union of Mine, Mill and Smelter Workers.

Mr. John Bruce, O.B.E., United Association of Plumbing and Pipefitting Industry Provincial Council.

Mr. Russell Harvey, Canadian Officers of Building and Construction International Unions

Mr. I. J. Thomson, Central Conference of Teamsters.

Mr. George T. Walsh, Q.C., acted as Counsel. His day to day co-operation was of invaluable assistance to the Committee in assembling and marshalling its views.

The Committee was fortunate in securing the services of Mr. Harold Perkins as Secretary Long experience in Labour Relations Administration, along with his ability in organizing the voluminous mass of data and information, was of great help to the Committee in its consideration of the many problems.

He was ably assisted by the members of his Staff, Mr. James Law, and Miss A. Larsen.

PROCEDURE

Prior to the appointment of the Committee on March 27th, 1957, considerable publicity appeared in the Daily Press and in the Trade papers concerning The Labour Relations Act. In view of this, it was decided to invite Labour organizations, Management Associations, and other interested persons or groups to make their submissions in writing, and to appear before the Committee in order to present their views personally.

In May 1957, advertisements were inserted in various newspapers throughout the Province and also in a number of Trade Union publications reciting the terms of reference and inviting submissions from interested parties.

Public Hearings were held in Committee Room No. 1 during June, September, October, November, December, 1957, and January, 1958.

Hearings were resumed after the Fourth Session, and the Committee sat during the months of April and May, 1958.

During this period, the Committee held 61 meetings, and received and heard 90 Briefs, which contained 715 Recommendations, a great majority of them suggesting amendments to The Labour Relations Act.

Copies of all submissions presented to the Committee have been furnished to the appropriate Government Departments, together with copies of the Summary of the Recommendations contained in Briefs submitted to the Committee. The Committee recommends that a copy of the submissions, a copy of the Summary of the Recommendations, and this Report be deposited in the Ontario Legislative Library and also in the Archives.

A comparative table of all the Acts effective in Canada dealing with labour relations was prepared and furnished to the Committee, but because of the size of this document it is not considered practical to have it reproduced in this Report. The Committee recommends that it be kept on file with the Department of Labour and made available for inspection by any interested person.

Public Hearings were completed on May 15th, 1958. On June 9th, 1958, the Committee commenced executive sessions for the purpose of deciding on the recommendations which they were prepared to make to the Legislature.

THE ANTECEDENTS OF THE LABOUR RELATIONS ACT, 1950 (ONTARIO)

The Trades Arbitration Act of Ontario, 1873, the Nova Scotia Compulsory Arbitration Act, 1888, and the Trades Disputes Acts of British Columbia and Ontario, 1894, and of Quebec, 1901, contained statutory provision for intervention in disputes. With the turn of the century, however, leadership in industrial relations legislation passed to the Federal Government, although Ontario's Railway and Municipal Board Act of 1906, for instance, contained many of the same features as the Federal legislation of that period and provided, in addition, machinery for taking over and operating any railway where services were suspended.

The Dominion Government's formal contribution to peacetime labour relations involved the enactment and operation of the following legislation: the Trade Union Acts of the early 1870's, freeing unions from charges of criminal conspiracy, and, by implication, creating an area of legal picketing; the Conciliation Act of 1900; the Fair Wage Resolution, covering government employees only; the Railway Labour Disputes Act of 1903, and the Industrial Disputes Investigation Act of 1907 with its later amendments. None of these, unless it be the first, was directed especially towards collective bargaining. With one exception, these early twentieth-century statutes were concerned with the settlement of disputes *per se* leading, or threatening to lead, to stoppages.

The main features of the Industrial Disputes Investigation Act, 1907, were; (1) compulsory provisions for the industries assumed to be under Dominion jurisdiction and designated as affecting the public interest; (2) the representative principle in administration through a government-appointed *ad hoc* board of three, including a nominee by each party to the dispute and an independent chairman; (3) dependence upon public opinion through (a) publication of the report of the investigation of the dispute and the board's recommendations thereon, and (b) permission, at the discretion of the board, for the press to be present at the board's hearings; (4) conciliation operating through the agency of board members and affected by publicity; (5) 'cooling-off period' of defined length enjoyed or endured by the disputants who had been made cognizant of the facts revealed through investigation, and whose attitudes had been somewhat affected by the conciliators. With experience and the passage of time there is said to have developed (a) less dependence upon publicity and a greater reliance upon conciliation, and (b) a tendency, with the growth of organized unions, to permanent disagreement among the board members and the issuance of minority and majority reports. This act was operative over a period of forty years, and many of its terms are incorporated in present legislation.

In 1925, upon an appeal to the Privy Council, the Judicial Committee of that body declared that the Industrial Disputes Investigation Act was one 'primarily affecting property and civil rights', a subject reserved to the provincial legislatures, and that most of its clauses 'could have been passed, so far as any province was concerned, by the provincial legislature under the power conferred by Section 92'. Following this adverse decision of the Privy Council, the Industrial Disputes

Investigation Act was amended to restrict its application to: (i) 'any dispute in relation to employment upon or in connection with any work, undertaking or business which is within the legislative authority of the Parliament of Canada' and there follows an enumeration; (ii) 'any dispute which is not within the exclusive jurisdiction of any provincial legislature. . . .'; (iii) 'any dispute which the Governor in Council may by reason of any real or apprehended emergency declare to be subject to the provisions of this Act'; (iv) 'any dispute which is within the exclusive legislative jurisdiction of any province and which by the legislation of the province is made subject to the provisions of this Act'. This last clause was the significant one. It opened the way for expansion of the Federal power through legislative action in the provinces to delegate authority to the Dominion. Within a year British Columbia, Saskatchewan, Manitoba and Nova Scotia passed such legislation, while Alberta passed an IDI Act of its own on the Federal model. Ontario and Quebec passed accommodating Acts in 1932. In 1950 the Supreme Court of Canada upheld a decision of the Supreme Court of Nova Scotia in finding that a province cannot delegate the powers conferred upon it under the constitution to another political body to co-ordinate rank.

The Federal Government in World War I struck a pattern of labour relations control very similar to that of the earlier years of World War II. It involved (1) an extension of the IDI Act (March, 1916) to cover industries producing war material for the duration, through making use of the war emergency power; (2) a declaration of principles (July, 1918) naming, among other matters, the right to organize and to negotiate without discrimination, comparable to P.C. 2685 of June, 1940, for the guidance of employers and employees engaged in war production; this in the interest of fair and peaceful industrial relations and maintenance of war output. The 1918 Order differed, however, in that it provided for arbitration with final authority through use of a tripartite permanent Labour Board of Appeal, to which either party to a dispute might appeal from decisions of the boards of conciliation investigating the disputes; (3) prohibition of strikes and lockouts for the duration of the war, ordered only one month before the end of the conflict; (4) the use of one-man commissions and of royal commissions in the investigation and settlement of disputes.

Though attention to industrial relations was much less in World War I because of the smaller and less vitally necessary war industry and the comparatively inadequate organization of unions to challenge big industry, the pattern of control as developed in response to the stress at that time doubtless contributed to the quicker use of the same techniques in 1940.

It should be noted that collective bargaining in Canada during the 1920's and 1930's was limited chiefly to railways, building trades, printing, paper milling, coal mining, and clothing. It made little headway in manufacturing, in trucking, or in merchandising. Employee representation functioned largely as a substitute for collective bargaining in such industries as steel, packinghouse and agricultural implements. However, Nova Scotia passed a Trade Union Act in 1937, as did Manitoba, Quebec and British Columbia; and Saskatchewan, Alberta and New Brunswick followed suit in 1938. These statutes were spotty in their achievement,

and for the most part, of little effect, though indirectly valuable in focusing the attention of legislators across the country on the problem.

Such was the situation at the declaration of the Second World War on September 10th, 1939. On November 7th, by Order-in-Council P.C. 3495 the Dominion Government extended the Industrial Disputes Investigation Act to cover defence projects and all industries producing munitions and war supplies. On June 19th, 1940, in P.C. 2685 it made a declaration of principles to govern the conduct of industrial relations during the war. Seeking the avoidance of industrial strife and the utmost acceleration possible in the production of goods essential to war, P.C. 2685 recommended, *inter alia,* that fair and reasonable standards of wages and working conditions should be observed, that the right of workmen to organize in trade unions and to bargain collectively should be recognized, that disputes should be settled by negotiation or with the assistance of government conciliation services. and that collective agreements should provide machinery for adjusting grievances.

Order-In-Council P.C. 4020, which provided an investigation agency more speedy in action and in closer relation with the Labour Minister and his department than the *ad hoc* boards (of the IDI Act), came into being on June 6th, 1941. By this Order the Minister might also refer to a commission any actual or threatened dispute which fell within the jurisdiction of the IDI Act as extended. Originally, it provided for a standing commission of three members, but in July the Order was amended (P.C. 4844) to use one or more members appointed *ad hoc* by the Minister.

With the adoption of P.C. 1003 in 1944, the sections of P.C. 4020 which were inconsistent with the regulations of the new Order were suspended, but the sections relating to investigation by commissions for wrongful dismissal, union coercion, and effective utilization of labour in the war effort, remained in force supplementary to P.C. 1003.

Projecting control of union behaviour beyond the IDI Act restrictions, the Government, by Order-In-Council P.C. 7307, September, 1941 made it unlawful to strike even after a board of conciliation had reported unless and until a vote had been taken by the Department, and a majority of the workers affected had indicated that they favoured strike action.

Coercion in labour relations first appeared six months after P.C. 2685 (June, 1940) with the introduction of the Government's wage policy in P.C. 7440, which involved a definite ceiling on wages of war industry, and introduced the escalator system to compensate workers for changes in the cost of living by means of bonuses beyond their regular wages, adjusted according to the cost-of-living index. It applied to industries coming under the IDI Act as extended, and served as a guide to boards created under the Act, which now were confronted with the difficult task of deciding wage rates or ceilings for all the many plants where wage disputes were developing.

In October, 1941, P.C. 7440 was replaced by P.C. 8253, the creative order which accompanied the Government's policy of price control. This order extended wage control and the application of the cost-of-living bonuses to all employees, and provided permanent enforcement machinery in place of the *ad hoc* boards of the IDI Act heretofore in use. The new machinery took the form of a National War

Labour Board and nine regional war labour boards; the boards in each case consisting of an independent chairman and an equal number of employees' and employers' representatives.

These two Orders-In-Council, affecting wages only, are important not only for the experience in state control they provided in themselves, but also because one of them, P.C. 8253, afforded the administrative pattern later adopted in controlling the wider areas of Labour Relations, and because together they mark the introduction of a six-year period during which wage determination was largely cut off from the regular processes of bargaining, whether collective or individual, and the contents of collective agreements was correspondingly restricted.

In the spring session of 1943 the Ontario Legislature passed the Collective Bargaining Act. The regulations of the Act making collective bargaining compulsory were administered by the Labour Court of Ontario which was provided for under an amendment to the Judicature Act, and came into being on June 14th. This Court was a branch of the High Court of Justice of the Province, and was presided over, in rotation, by Supreme Court Justices. This Act is interesting as the first Canadian experiment in providing administrative machinery to enforce collective bargaining. The contribution of the Labour Court to the building of a scheme of industrial jurisprudence in the Province of Ontario, and, by diffusion, in other parts of Canada, is of the highest significance. Indeed it may well be that but for the Labour Court, collective bargaining might have been less readily accepted by industry as a normal feature of industrial relations in Ontario.

The Industrial Relations and Disputes Investigation Act became effective September 1st, 1948, replacing P.C. 1003, and the IDI Act (which technically had been only suspended during the life of P.C. 1003) and P.C. 4020. By this Act the re-establishment of provincial jurisdiction was made relatively complete, but aerodromes, aircraft and lines of air transportation, and radio broadcasting stations were specifically listed as within Federal jurisdiction.

It is well to recall here the distinction between the 'war industries' listed as such under Schedule A in the Order and the 'residue' industries whose industrial relations would, apart from special action by a province still be under provincial jurisdiction. Ontario's legislative action, subsequent to the issuing of the Order was as follows —

Since the operation of two parallel schemes for dealing with Labour Relations would have produced chaos in a heavily industrialized province such as Ontario, the Province availed itself of the opportunity afforded by the regulations to bring all industries within the scope of the regulations. Accordingly, the Legislative Assembly of the Province enacted the Ontario Labour Relations Board Act, 1944, which inter alia empowered the Lieutenant-Governor in Council to make applicable to that portion of industry which remained within provincial jurisdiction ('provincial industries') the Wartime Labour Relations Regulations as well as certain other Federal Orders-In-Council and any amendments to such regulations and any other regulations which might be made under or pursuant to the War Measures Act. Any regulations so brought into effect by the Lieutenant-Governor in Council continue in full force and effect notwithstanding their revocation by the Federal

Government and notwithstanding that, because of the termination of the war or for any other reason, they may become inoperative as regulations under the War Measures Act. In addition, the Act provided for the establishment of the Ontario Labour Relations Board to exercise such powers and to perform such duties as might be vested in or imposed upon it by the Act, or by any other Act of the Ontario Legislature, and by any regulation or agreement made under or pursuant to any of such acts.

The Lieutenant-Governor in Council, by Order-In-Council of May 18th, 1944 (O. Reg. 53/44), then made the regulations applicable to all employees whose relations with their employers are ordinarily within the exclusive jurisdiction of the Legislature of Ontario to regulate in the manner provided in the regulations and to the employers thereof. By agreement between the Dominion and the Province, confirmed by Orders-In-Council (P.C. 2911 of April 27th, 1944, and O. Reg. 52/44) the jurisdiction and powers of the Wartime Labour Relations Board (national) under the Wartime Labour Relations Regulations in so far as they pertain to 'war industries' and to 'provincial industries', except for certain matters which might extend beyond the boundaries of the Province, were vested in the Ontario Labour Relations Board. All decisions and Orders of the Ontario Labour Relations Board, whether in respect of 'war industries' or in respect of 'provincial industries' were made subject to appeal to the Wartime Labour Relations Board (national) by leave of either the Ontario Board or the National Board.

Regional boards also came into being in the provinces of New Brunswick, Nova Scotia, Manitoba, Saskatchewan, and Quebec, which boards were also patterned after the National Board, save that of Quebec which took the form of a full-time, three-man board of experts. In British Columbia, the Minister of Labour took the place of a board.

February, 1947, saw the return to the provinces of their normal peacetime jurisdiction in the sphere of labour relations. On April 3rd, 1947, the Ontario Legislature enacted the Labour Relations Board Act, 1947, which (a) strengthened the provision of the 1944 Act for the continuance in force within the province, with any necessary alterations, of the provisions of P.C. 1003 and P.C. 4020, and of Schedules A and B respectively of the Labour Relations Board Act, 1944; (b) provided for the disposition of appeals pending before the Wartime Labour Relations Board (national) on the date of the coming into force of the Act; and (c) provided for the appointment of conciliation officers and conciliation boards by the Dominion Minister of Labour in disputes referred for such purpose by the Ontario Labour Relations Board on or before the date of the new Act's coming into force. With the collaboration of the Dominion Government in revoking and passing necessary orders-in-council, the Chairman of the Ontario Board was able to state in the annual report of the department for 1948: 'At the end of the fiscal year (March 31st) the labour relations regulations in force in the province were in all material respects identical to those contained in P.C. 1003, which, at that time, was still in force within the Dominion's own sphere. There remained, however, no link between the two jurisdictions'.

On April 16th, 1948, while Bill 195 (The Industrial Relations and Disputes Investigation Act) was in process of passage through the Dominion Parliament, the

Legislature of Ontario enacted The Labour Relations Act, 1948, which empowered the Lieutenant-Governor to make regulations 'in the same form and to the same effect as that part of any Act which may be passed by the Parliament of Canada at the session currently in progress . . . calculated to cover the same legislative field as Part I (of that bill). . . .' The only variations to be made from the Dominion legislation were those considered necessary for the implementation of the legislation in the provincial field.

This Act was proclaimed in force as of December 9th, 1948, and administrative regulations were passed. The effect was to repeal, except as was necessary for the disposition of proceedings then pending, The Labour Relations Board Act, 1944, The Labour Relations Board Act, 1947, and regulations made thereunder, and to place Ontario in line with the Dominion Industrial Relations and Disputes Investigations Act. But the right of appeal to the national Board from the Ontario Board's decision was gone. The seven members of the Ontario Board as appointed pursuant to The Labour Relations Act, 1948, were reduced later to five. This practice of of legislating by direct copy of the Dominion model continued until the fall of 1950 when Ontario enacted her present Act, characterized by more originality. (The Labour Relations Act of 1950 was amended in 1954, 1956, 1957 and 1958.)

It should be brought to the attention of the Legislature that this chapter of our Report, dealing with the Antecedents of The Labour Relations Act, 1950 (Ontario) is a synopsis and summary of the very able Brief prepared for the Committee by Professor H. A. Logan.

SUMMARY OF THE LABOUR RELATIONS ACT (ONTARIO)

INTRODUCTION

The Labour Relations Act, 1950, as amended in 1954, 1956, 1957 and 1958, replaced the regulations passed under The Labour Relations Act, 1948, which in turn replaced regulations made applicable to all industry in the Province of Ontario under The Labour Relations Board Act, 1944, and The Labour Relations Board Act, 1947.

The purpose of the Act is to further harmonious relations between employers and employees through collective bargaining between employers and trade unions representing the employees and freely chosen by them.

ESTABLISHMENT OF BARGAINING RIGHTS BY CERTIFICATION

The Act provides that a trade union which has as members a majority of the employees of an employer in an appropriate bargaining unit is entitled to be certified by the Labour Relations Board as the bargaining agent for the employees in the unit. If, on an application for certification, the trade union establishes that it has as members between 45% and 55% of the employees in the bargaining unit, a representation vote must be directed. Where, however, the union's membership exceeds 55% of the employees in the bargaining unit the union may be certified without a representation vote being taken. No trade union may be certified if an employer has participated in its formation or administration or has contributed financial or other support to it.

NEGOTIATION OF COLLECTIVE AGREEMENTS

Following certification, the union is required to notify the employer in writing of its desire to bargain with a view to making a collective agreement and the union and the employer are thereupon required to meet and bargain in good faith and make every reasonable effort to make a collective agreement. If the negotiations become deadlocked either party may request that Conciliation services be made available to the parties. If the request is granted, the Minister of Labour appoints a Conciliation Officer to confer with the parties and endeavour to effect a collective agreement. Where his efforts prove unsuccessful the Minister may appoint a Conciliation Board consisting of two members nominated by the respective parties, and a neutral chairman. The function of a Conciliation Board is to endeavour to effect agreement between the parties on the matters referred to it.

CONTENTS OF COLLECTIVE AGREEMENTS

The Act provides that every collective agreement shall contain a recognition clause and a no-strike, no-lockout clause as well as an arbitration provision for the settlement of differences arising between the parties during the lifetime of a collective agreement. The Act also contains permissive provisions regarding various forms of union security. The Act provides further that a collective agreement shall operate for a minimum period of at least one year and that no collective agreement

shall be terminated by the parties before it ceases to operate in accordance with its provisions, without the consent of the Labour Relations Board.

TERMINATION OF BARGAINING RIGHTS

Bargaining rights of an incumbent union may be terminated upon certification of another trade union as bargaining agent for the employees concerned or by a decalaration of the Labour Relations Board that the union no longer represents the employees. Such a declaration may be made (a) if a majority of the employees signify in writing that they no longer wish to be represented, corroborated by the taking of a representation vote; (b) by proof that the incumbent union obtained certification by fraud; and (c) upon failure to bargain for extended periods.

In 1956, the Act was amended to deal with successor problems arising out of a merger or amalgamation of two or more unions or the transfer of jurisdiction from one union to another.

UNFAIR PRACTICES

The Act contains comprehensive provisions insuring the freedom of every person to join a trade union of his own choice and to participate in its lawful activities. The Act also provides that trade unions and persons acting on their behalf are not to interefre with employers' organizations. Strikes and lockouts are forbidden until the Conciliation process is exhausted and during the operation of the collective agreement. The Labour Relations Board is empowered to declare that a strike or lockout is unlawful, as the case may be.

ENFORCEMENT

Offences against the Act are punishable on summary conviction but no prosecution may be instituted without the consent of the Labour Relations Board; however no such consent is required where the offence consists of the refusal of the person to implement an order of the Minister in circumstances dealt with in the next succeeding paragraph.

In addition, upon the application of an aggrieved party, the Minister of Labour may appoint a Conciliation Officer and in a proper case, a Commissioner to enquire into any complaint that any person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to The Labour Relations Act. The recommendation of a Commissioner, which may include reinstatement with or without compensation for loss of earnings and other benefits, is enforceable by order of the Minister.

ADMINISTRATION

The provisions of The Labour Relations Act covering the certification of bargaining agents, granting of requests for Conciliation Services in relation to the negotiation of collective agreements, termination of bargaining rights of bargaining agents, declarations of successor status, declarations that strikes or lockouts are unlawful, and the giving of consent to prosecute persons who it is alleged have been

guilty of violating some provisions of the Act, are administered by the Labour Relations Board.

The Board consists of two members representing employees and two members representing employers and a chairman and a vice-chairman.

In 1958, the Act was amended to empower the Lieutenant-Governor in Council to appoint additional members representative of employers and employees respectively to act as members of the Board only on the request of the Chairman or Vice-Chairman.

GENERAL OBSERVATIONS

CONCILIATION

A large percentage of the 715 suggestions and recommendations received by the Committee concerns the Conciliation Process, with criticism levelled at the Department of Labour, the Conciliation Services, and Personnel of the Conciliation Boards for the delay between filing of the application for Conciliation Services and the receipt of the Board report.

Practically every Union brief dealt at length with this topic, and among the suggestions and recommendations for remedying this situation were the following:

The Conciliation Board stage should be eliminated.

The Board stage should be optional, at the request of either party.

The Unions should be free to strike 90 days after the expiration of the Contract.

Three of the major briefs received contained statistics gathered from the Unions' own experience showing the following figures:

No. of Cases	Total Time Lapse from Application for Conciliation to Receipt of Board Report
10	151 days
28	178 days
35	196 days

Many of the briefs pointed out that the time allowance specified in the Labour Relations Act for the performance of Conciliation Services, from the date of application to the receipt of the Board Report, is 65 days, and strongly recommend that the Department of Labour should take steps to see that this time limit was rigidly adhered to.

The Committee made a detailed study of the causes of the delay at each stage of the Conciliation Process, and found some very interesting data — for instance:

Section 14 (1) of the Act states that the Conciliation Officer shall confer with the parties (company and union) and endeavour to effect a collective agreement, and shall report to the Minister *within 14 days* of his appointment.

The statistics for 1956-57 show that in 502 cases settled by Conciliation Officer, it took these officers an average of 17 days from date of appointment to date of first meeting with the parties, and that most of this delay was caused by either the company representative or the union representative being unavailable for two or three weeks.

The Conciliation Officer does not have the authority to order a meeting on a certain date. He must arrange a meeting suitable to all parties. And in the event that a settlement is not reached at the first meeting, he arranges another meeting, perhaps a week or two weeks later.

When the Bargaining Committees reach a tentative agreement, the Union invariably refers the offer to a meeting of members for ratification, and in this connection we find that it takes an average of 16 days for the Union to hold such a meeting of members, and notify the Conciliation Officer that the Company offer has been accepted or rejected.

The total elapsed time for Conciliation Officer stage in 1956-57 for 502 cases was 60 days, 33 of which were charged to the Conciliation Officer and over which he has little or no control.

Figures for the Board stage show that the total time lapse for 228 cases which completed the two-level procedure from application for Conciliation to Board Report was 157 days, but on breaking this down, we find that it took an average of 13 days for the Company and Union to appoint their nominees, 22 days thereafter for these nominees to agree on a Chairman or request the Minister to appoint one, and 26 days thereafter for the Board Chairman to arrange the first meeting of the Board.

In the briefs submitted to us, most of the blame for this delay was placed on the Board Chairman, but on closer enquiry we find that the Board Chairmen experience the greatest difficulty in arranging a suitable date with the Company and Union nominees on the Board, Company, and Union Bargaining Committees, and Company Consultants and Union International Officers. When a Board is adjourned for a second meeting, another two or three weeks elapse before a suitable date can be arranged for all concerned.

One important point which was entirely overlooked by those complaining of the long time lapse for Conciliation process, is the fact that in several instances the Act states that the time provided may be extended by consent of the parties, and we find in all cases where there is a delay that this is the practice.

In one instance, the Committee was informed that when the Company and Union nominees telephoned a certain Chairman with the request that he act as Chairman of their Board, he informed them he could not take such a Board as he had no vacant date for six weeks. They both insisted on having him as Chairman, and agreed to the delay. The statistics of course show this as a six-weeks delay on the part of the Chairman.

The suggestion that the Conciliation process would be expedited if the Union were free to strike 90 days after the expiry date of the contract was not accepted by the Committee.

852 disputes were recorded in the fiscal year 1956-57 with the following results:

Settled by Conciliation Officer	502	
No Board recommendation	62	
Lapsed	8	572
Settled prior to Board Meeting	51	
Settled by Board during hearings	93	
Board Reports	135	
Lapsed	1	280
		852

These figures indicate plainly that the Conciliation Officers of the Department of Labour have achieved a commendable record, in settling 502 negotiation disputes. They also participated in the 62 cases where the Minister did not appoint a Board, and they undoubtedly were instrumental in settling the 51 cases which reached agreement prior to the Board Meeting.

The Conciliation Boards effected settlement in 93 cases, and wrote 135 Reports. These Reports contained recommendations which undoubtedly proved of considerable assistance to the parties because it is noted that of these 135 disputes, only 19 finally resulted in a strike.

But if the Conciliation services ended at the 90th day, it would have meant that these 228 Board cases would not have been completed. They would have lapsed during the negotiations, and no report would have been made. The company would undoubtedly cease to negotiate further with a strike threat in effect. The result would have been 228 serious disputes, the majority of which would have resulted in a strike.

The whole Conciliation process in Ontario is designed and intended to assist the parties to reach a voluntary settlement and the Committee came to the conclusion that even if such assistance does take five or six months, such effort is worth while if it proves the means by which strikes are avoided.

Included in the Recommendations of the Committee will be found certain suggestions for expediting the process, and if all parties concerned show a tendency to eliminate some of the delays, we feel sure future statistics will show a considerable reduction in the elapsed time for the Conciliation process.

See Recommendation No. 10 on page 30 of this Report.

CONSTRUCTION INDUSTRY

Among the representations made to the Committee by the Building and Construction Trades Unions were the following:

That they derive no benefits whatever from The Labour Relations Act.

That their normal functions as Craft Unions are repeatedly hindered and frustrated.

That many projects are completed before certification or conciliation process can function.

That there have been more disputes during the past few years under The Labour Relations Act than during the years prior to the passing of the Act.

As a result of all these problems, these Craft Unions strongly urge that the Building and Construction trades be exempted from the provisions of The Labour Relations Act.

On the other hand, the Employer Associations in the Construction Industry submitted —

That through Union Shop conditions which exist in the Construction Industry, these Craft Unions have become quite powerful in their respective fields.

That the negotiations of collective agreements have become increasingly more difficult.

That the expiry date of collective agreements varying from trade to trade and from city to city is detrimental to industrial stability.

That jurisdictional disputes over who shall erect or instal certain building materials are a frequent occurrence.

That the resulting picket line causes stoppages of work with serious loss to the Contractors and Owners.

These Employer Associations advocate the repeal of the Trade Union Act which would leave the Unions liable to be sued in the Courts.

They advocate the licensing of unions as a means of making them submit to the laws of this province, and suggest severe penalties for infractions.

These submissions illustrate a wide gulf in the thinking of Labour and Management in the Construction Industry and, perhaps, both have gone to extremes in their submissions.

The Committee feels that the Government should interefere as little as possible in Management-Labour matters.

Management and Labour should be encouraged to work out their own solutions themselves, and enter into voluntary collective agreements without restrictive legislation.

However, when Management and Labour fail to do this, then the Government must take appropriate steps in the interest of the general public.

During the hearings evidence was presented to the Committee to the effect that many of the Construction Unions are not certified and a large number do not use The Labour Relations Act at all. However, the statistics of the Department of Labour indicate that 223 applications for certification of Bargaining Units in the Construction Industry were dealt with during the fiscal year 1956-57, or 21% of the total of all applications; 82 disputes were reported and dealt with as follows:

Settled by Conciliation Officer and prior to Board	71
Settled at Board hearing	3
Settled after Board Report	8
Total	82

The point at issue is not that Unions should be deprived of any inherent right or privilege, but that they should be prevented by law from depriving anyone of such rights and privileges as the common law establishes for everyone. In short, trade unions cannot be allowed to stand alone above and outside the law which guarantees the same freedom to all.

It is noted that the Employers are represented by approximately 25 Associations, and that there are about the same number of Building Trade Unions.

The Committee feels that a solution must be found which will enable Management and Labour to live amicably together in this great Industry, and suggests that immediate steps be taken to convene a Joint Conference with a view to arriving at a voluntary solution of the problems involved.

To this end, the Committee recommends that the Minister of Labour should sponsor such a Joint Conference, and lend the aid of his Department in implementing whatever decisions are jointly agreed upon.

A proposed Agenda for such a Joint Conference might be:

1. Organization — Formation of an Ontario Federation of Construction Associations, and the formation of an Ontario Federation of Construction Unions with necessary authority to negotiate master agreements;
2. Master Agreements by Crafts, by Areas, or for whole Province;
3. Master Agreement covering all trades (Hydro type);
4. Uniform expiration date of all collective agreements;
5. Speedy Certification procedure suitable for Construction Industry;
6. Speedy Conciliation procedure suitable for Construction Industry;
7. Revision of Industrial Standards Act;
8. Jurisdictional Disputes — appointment of Joint Jurisdictional Board for Province of Ontario;
9. Appointment of a special panel of the Labour Relations Board to speed up certification procedure.

See Recommendation No. 13 on page 33 of this Report.

CERTIFICATION

Section 7(2) of the present Labour Relations Act provides that if the Board is satisfied that not less than 45% and not more than 55% of the employees in the bargaining unit are members of the Trade Union, the Board shall order a representation vote. Representations were made to the Committee that the 45% figure was too high and the 55% figure too low.

Section 7(3) of the present Labour Relations Act provides that when a representation vote is taken, the union required more than 55% of the employees in the bargaining unit to obtain certification.

Objection was taken to the fact that the present Labour Relations Act requires that 55% of the employees in the bargaining unit who are *eligible to vote* do so before certification can be granted, which meant in fact that all employees who failed or refused to cast a ballot and who were eligible to do so, were in fact voting against the union.

Representations were made to the Committee that these votes should be decided on regular democratic principles and that a majority of more than 50% *of those voting* should be sufficient for certification.

See Recommendation No. 16 on page 34 of this Report.

CHECK-OFF

For the past few years, one of the most contentious items in negotiations between management and labour has been the subject of union security, one form of which is commonly called the "check-off". When the request for a check-off was introduced by the trade unions, strenuous objection was taken by management on the grounds that this did not concern working conditions; that it was in violation of the principle that employers should not contribute financial aid to a trade union; and that compulsory check-off was an infringement of the employee's freedom of action.

This attitude gradually changed and it is now estimated that 95% of the union agreements in Ontario have some form of check-off. However, there still remains a small segment of management which has strongly opposed the check-off, and in spite of recommendations of Conciliation Boards, has adamantly maintained their attitude of no check-off until The Labour Relations Act compels management to provide for a check-off.

In submissions made to the Committee by management, it was strongly urged that the check-off should remain a subject for the bargaining table, but the Committee feels that the time has arrived when this problem can and should be resolved and is therefore making certain recommendations to the Legislature concerning a voluntary revocable check-off which will be referred to later in the Report.

See Recommendation No. 7 on page 29 of this Report.

DISMISSAL CASES

Disturbing incidents are alleged to frequently occur during the early stages of a union organization campaign for instance such as when a number of employees are dismissed or laid off, or a whole department shut down.

Section 57 of the present Labour Relations Act provides that when a complaint is made that such employees have been discharged, threatened, coerced or intimidated, the union may file a complaint and the Minister may appoint a Commissioner to investigate the circumstances and make a report to the Minister.

Representations were made to the Committee that these Commissioner cases have proved to be unsatisfactory, and that some other method should be provided to protect the employees during this organizational period.

The Committee has made certain recommendations concerning special cases which can be found in Recommendation No. 24 on page 36 of this Report.

INJUNCTIONS

In representations made to the Committee, it was pointed out that it is becoming a common practice for management to apply to the Courts for an injunction against a union, and that injunctions are being granted without the union having an opportunity of being present at the hearing to make a rebuttal.

It was alleged that this practice creates a great deal of hostility between the parties involved. The Committee is making certain recommendations concerning Injunctions.

See Recommendation No. 36 on page 39 of this Report.

JURISDICTIONAL DISPUTES — (Work Assignment)

The problem of jurisdictional disputes received careful study by the Committee, and it was observed that the Taft-Hartley Act declared jurisdictional disputes an unfair labour practice and prohibited picketing and work stoppages arising therefrom. As a result of the passing of the Taft-Hartley Act, the General Contractors Association and the Building Trades Unions in the United States formed a Joint Jurisdictional Board for the settlement of disputes in the building and construction industry. All jurisdictional disputes in that industry in the United States are referred to the Joint Board at Washington, and as a result, only a few cases, (where a union refused to obey an order of the Joint Board), have been referred to the National Labour Relations Board.

The Committee was informed that the Building Trades Unions in Ontario were bound by their Constitution to refer all jurisdictional disputes to the Joint Board at Washington, but the evidence adduced before the Committee indicated that such a procedure is not suitable for the Province of Ontario because the Taft-Hartley Act cannot be enforced in the Province of Ontario; and also because the Joint Board at Washington is composed of members of the Building Craft Unions and General Contractors Association of the United States, whereas, jurisdictional disputes in Ontario concern not only building craft unions but industrial unions, non-international unions, and other industries such as the printing industry.

The Committee felt that jurisdictional disputes occurring in the Province of Ontario should be governed by The Ontario Labour Relations Act, and should be settled in Ontario.

See Recommendation No. 37 on page 40 of this Report.

MUNICIPAL EMPLOYEES

Section 78 of The Labour Relations Act provides that any municipality may pass a by-law taking the municipal employees out of the Act. This section has caused a great deal of disturbance among municipal employees in that it has deprived them of the rights of certification, negotiation, and conciliation enjoyed by employees in industry generally, and as a matter of fact, this section has been the cause of numerous work stoppages of essential services which would not have taken place had the collective bargaining process proceeded along normal channels.

See Recommendation No. 38 on page 40 of this Report.

PICKETING

From the submissions made to the Committee, it would appear that in many of the applications for an injunction illegal picketing was alleged.

Picketing has become a part of the present day strike procedure, and it would appear that very few of the employees who find themselves engaged in picketing are aware of Section 366(1) of the Criminal Code, which provides:

> "Every person who wrongfully and without lawful authority, for the purpose of compelling another person to abstain from doing anything that he has a lawful right to do, or to do anything that he has a lawful right to abstain from doing —
>
> (a) uses violence or threats of violence to that person;
>
> (b) intimidates or attempts to intimidate that person;
>
> (f) besets or watches the dwelling house or place where that person resides, works, carries on business, or happens to be, or
>
> (g) blocks or obstructs a highway;
>
> is guilty of an offence punishable on summary conviction."

Picketing which results in any of the above-mentioned items is illegal, and subject to fine or imprisonment under the Criminal Code; yet, in a dispute between labour and management, the police and civil authorities are often reluctant to interfere. Representations were made to the Committee that picketing should be declared an unfair practice under The Labour Relations Act and dealt with promptly by the Labour Relations Board.

See Recommendation No. 42 on page 41 of this Report.

UNION SHOP

From its inception the Committee has adopted a principle of non-interference with the internal affairs of a union. However, there is a matter which the Committee felt it should deal with and that concerns a union member who loses his employment as a consequence of the termination of his union membership, for reasons other than the non-payment of dues.

Under the Union Constitution, such a person has the right of appeal to a higher union tribunal, but the Committee was informed that such appeals are a very slow and difficult process. In the meantime, such person is unable to obtain employment at his skilled trade.

Evidence was also produced to the Committee that in some instances union organizers are forcing employers to sign a union shop contract when as a matter of fact none of the employees in the bargaining unit is a member of the union.

See Recommendations Nos. 47 and 48 on pages 42 and 43 of this Report.

RECOMMENDATIONS

The Committee makes the following recommendations:

1. APPLICATION OF THE ACT — Section 2

Exclusions

It is the recommendation of the Committee that Section 2 of The Labour Relations Act be amended by adding sub-section (f) as follows:

This Act does not apply:

(f) to any member of a recognized association of a professional group listed hereunder, who is entitled to practice in Ontario and is employed in a professional capacity —

Architectural	Land Surveying
Dental	Legal
Dietetic	Medical
Engineering	Nursing
Forestry	Physiotherapy

It is the opinion of the Committee that provision should be made that in the event any of these professional associations by a majority vote subsequently decide they want to be included in The Labour Relations Act, they could do so.

That any person or persons excluded from the Act by this amendment may come under the provisions of the Act by withdrawing from membership in the association, and that in this event, they should be in a separate bargaining unit, unless they particularly request otherwise.

The Hon. Member for York South dissents because he feels that any professional group in an employee category not exercising managerial functions and capable of being defined as a collective bargaining unit should have collective bargaining rights under the Act.

2. ADMINISTRATION

After listening to numerous representations made to the Committee, we feel that the Ontario Labour Relations Board as presently constituted has an overload of work.

In addition to the amendment made by the Legislature in March, 1958, when Section 66(2a) was added to The Labour Relations Act authorizing the Lieutenant-Governor in Council to appoint additional employer and employee representatives to the Board, the Committee recommends that the Lieutenant-Governor in Council be empowered to appoint, from time to time, such additional neutral members to the Board as he in his discretion shall deem fit.

Further, we feel that it should be brought to the attention of the Legislature that when representatives of employees are appointed, the Lieutenant-Governor in Council should take into account all groups of Canadian labour in order to give the broadest representation.

It is the opinion of the Committee that the members of the Board who are designated as Chairman and Vice-Chairman should be considered as representatives of the general public on the Board.

The Committee is of the opinion that a considerable amount of work could be lifted from the Labour Relations Board if Examiners were appointed by the Board to enquire into certification applications where there is no opposition from management or other employees to avoid the necessity of public hearings.

3 ADMINISTRATION — Section 68

Written Reasons for Decisions

Representation has been made to the Committee that the Labour Relations Board should render written reasons for any decision, declaration, or ruling made by the Board.

We find that the practice of the Board is to render written reasons for all important decisions rendered, and we strongly recommend that this practice be continued.

The Board goes to some trouble to establish unanimity of judgments, and for this we commend them.

It is suggested, however, that in all cases where new ground is being broken that written decisions should be given, and we also recommend that wherever possible the practice of rendering written reasons should be extended.

And we recommend that all written decisions should be filed with the Department of Labour and made available to the public, upon request.

4. ARBITRATION — Section 32(2)

1. It is the recommendation of the Committee that Section 32(2) of The Labour Relations Act be amended by an addition to the model clause as follows:

   "that an Arbitration Board should not have the power to add to or subtract from or change the provisions of a collective agreement".

Section 32(4)

2. That Section 32(4) of The Labour Relations Act be amended by adding a provision making Arbitration awards enforceable by order of the Ontario Labour Relations Board to ensure implementation of the award, and that substantial penalties for default be provided.

3. That Arbitration proceedings be expedited as much as possible, and that a time limit of 14 days be set for the issuance of an award after a hearing, unless both parties to the dispute being arbitrated file a consent in writing with the Registrar of the Labour Relations Board extending such time limit.

4. That Arbitration Boards be given the same powers conferred on Conciliation Boards under the authority of Section 26 of The Labour Relations Act, and

where "Conciliation Board" is used in the said section, the word "Arbitrator" and/or "Arbitration Board" be added thereto.

5. It is also recommended that decisions of Arbitrators or Arbitration Boards should be in writing, and that copies be filed with the Department of Labour. That steps be taken to properly index such decisions and/or Reports, and that they shall be open for inspection by any person or persons desiring to see them.

6. Many representations were made to the Committee suggesting that a panel of trained men should be appointed to act in the capacity of Arbitrators. We feel that it is highly desirable that the Legislature recommend to the Government that facilities be provided for the adequate training of suitable personnel in this capacity.

5. BARGAINING IN GOOD FAITH — Section 11

Representation has been made to the Committee that the Labour Relations Board should be empowered to enforce Section 11.

The Committee recommends that the Labour Relations Board be empowered to order that a party which does not bargain in good faith shall do so within a time limit (say 14 days), and failing to do so, the Labour Relations Board should have the further power to decertify a Trade Union, and/or to penalize the Union further by a monetary fine, and in the case of an employer, to penalize the employer by the imposition of an accumulative fine of so much per day.

6. BARGAINING COMMITTEE — Section 12

It is the recommendation of the Committee that Section 12 of The Labour Relations Act of Ontario, dealing with representation of a trade union by a bargaining Committee should be retained in its entirety.

It is further recommended by the Committee that the employer representative during the bargaining procedure shall include at least one responsible management official.

7. CHECK-OFF — UNION SECURITY — New Section

It is recommended by the Committee that provision be made in The Labour Relations Act for a voluntary revocable check-off of union dues, provided that —

(a) The same shall not be instituted unless a secret ballot of the members of the bargaining unit has been held, and a majority of such members have signified that they are in favour of it.

(b) The Bargaining Agent shall thereupon produce to the employer written assignment of wages for the check-off from a majority of the members in the bargaining unit, and the employer shall honour same.

(c) That the check-off shall cease and become null and void if and when revocation of authorizations have been filed with the employer which would reduce the number of authorizations below the majority of the employees in the bargaining unit.

(d) It is further provided that the voluntary revocable check-off as provided for above shall affect only those members of the bargaining unit who have signed a written assignment of wages which have been presented to the employer by the Bargaining Agent authorizing such employer to deduct a specified sum each month until such assignment has been revoked by the assignor in writing.

The Hon. Member for London South, the Hon. Member for Welland and the Hon. Member for York West dissent from this recommendation because they feel that the voluntary revocable check-off is properly a matter for collective bargaining, and not for legislative enactment.

8. COMPANY INTERFERENCE

It has been brought to the attention of the Committee that trade union organizers have been refused permission to enter upon company property during off hours of employment, solely because they were on trade union business.

This situation apparently exists in certain management properties where workmen are housed in bunk-houses, usually in the Mining or Lumber Industry.

The Committee deplore this attitude on the part of management, and unless this situation is corrected it may be necessary for the Government to introduce legislation to overcome this situation.

9. CRAFT UNITS — Section 6(2)

It is the recommendation of the Committee that the Ontario Labour Relations Board should have discretionary power to consider industrial unit history as well as craft history when application for certification is made by members of a Craft Unit.

10. CONCILIATION — Sections 13 - 29

The Committee has received numerous representations that the Conciliation process takes too long, while others suggested that parts of the Conciliation process should be eliminated.

The Committee considers the Conciliation process to be the key-stone of The Labour Relations Act, and makes the following specific recommendations —

1. (a) That the Department of Labour should make a concerted effort to recruit a greater number of persons who, after a period of training, would be used in the role of Conciliation Officers, and perhaps later advanced to Board Chairmen.

(b) While it is recognized that training is essential, Conciliation Officers and Board Chairmen should also have other very necessary qualifications having to do with temperament, personality, character, and so forth.

(c) It is recognized, however, that obtaining such personnel will not be an easy task. Several suggestions for recruiting and training such personnel were considered by the Committee, namely —

That the Department of Labour should appoint a personnel officer whose duty it would be to seek out suitable persons;

That such persons be given a course in Industrial Relations at one of our Universities or Schools, which have such a course, and that such training be subsidized by the Government;

That suitable persons might be employed as Secretaries to Conciliation Boards, or Assistants to Board Chairmen, as part of their training.

(d) That the Department of Labour organize a panel of Conciliation Board Chairmen both by direct recruitment and by the promotion of Conciliation Officers now employed in the Department, and those who will be trained under the process referred to above.

While the suggestion in this paragraph appears to have merit, it is obvious that there may be practical difficulties in the way of implementing this suggestion.

2. That the Department of Labour appoint a staff consisting of one or more persons who would be employed in the capacity of expeditor(s) whose duty it would be to keep track of the progress of each Conciliation Board as it proceeds through the course of Conciliation prescribed by the Act, with a view to eliminating unnecessary delays.

3. The Committee observes that the scale of remuneration presently paid is not conducive to the recruitment of sufficiently qualified personnel, and recommends that the scale provided by Ontario Regulation 55/56 be revised as follows:

   (a) That the remuneration of the Board Chairman be increased to $75.00 per day, and

   (b) That the per diem remuneration for the representative of management and the representative of the trade union be increased to $50.00 per day in addition to any other travelling and living expenses to which they are presently entitled.

   (c) It has been brought to the attention of the Committee that when members are called into executive session, no provision is made for remuneration; the Committee therefore recommends that when an executive session of a Conciliation Board is held, the Members shall receive the same remuneration as recommended in the preceding paragraph hereof.

4. It is the opinion of the Committee that it would be helpful if the report of the Conciliation Board were made available to the parties as soon after the conclusion of the Board hearing as is possible, and to this end, the Committee recommends that the report must be filed with the Minister within 15 days after the conclusion of the hearing, unless the parties mutually agree to extend this time.

The Committee suggests that a copy of the Board report be filed with the Department of Labour and be available for public inspection.

First Negotiation

The Committee is of the opinion that it should not be necessary for a newly-certified Union to give notice to the employer, that it desires to meet the employer and negotiate an agreement; therefore, it is recommended —

(a) That Section 10 of The Labour Relations Act be repealed

(b) That Section 11 be amended as follows —

"The parties shall meet within fifteen days from the date of certification, or within such further period as the parties may agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement."

(c) That Section 13(1) be amended to read as follows —

"Where thirty-five days or more have elapsed from the date of certification, either party may file with the Board a request that conciliation services be made available to the parties, whereupon the Board shall grant the request, but before doing so, it may postpone consideration of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime."

(d) That Section 13(1a) be amended by deleting the following words —

"The failure of the trade union to give written notice under Section 10, or"

The Hon. Member for York South dissents because he believes that the voluntary use of conciliation services should be attempted in Ontario.

12. NEGOTIATION OF AGREEMENTS

Renewal of Agreements

(a) Any party to a collective agreement desiring to bargain with a view to the renewal, with or without modifications of the agreement then in operation, or to the making of a new agreement, shall between the 60th day and the 55th day prior to the expiry date of the existing agreement, give notice in writing to the other party thereof.

Unless such notice is given and unless the existing agreement otherwise provides, then the existing agreement shall be renewed.

(b) The parties shall meet within seven days from the giving of the notice or within such further period as the parties may agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement.

(c) Where 27 days or more have elapsed from the giving of the notice, either party may file with the Board a request that conciliation services be made available to the parties, whereupon the Board shall grant the request, but before doing

so, it may postpone consideration of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime.

(d) In the event that the conciliation services do not effect an agreement, the parties must within five days after the expiration of the existing contract, or within 5 days of the date of the written report of the conciliation officer, whichever of the two is the later, apply to the Labour Relations Board for the appointment of a Conciliation Board.

When such application is filed, each of the parties requesting the appointment of a conciliation board shall name its selection of a representative on the Board.

(e) Each of the aforesaid time limits may be extended if both parties mutually agree, or by the Minister in his discretion.

(f) If, in the opinion of the Minister, no conciliation board is warranted, then no conciliation board shall be appointed.

13. CONSTRUCTION INDUSTRY

Representations have been made to the Committee that the Building and Construction Trades should be excluded from the provisions of The Labour Relations Act.

The members of the Committee feel that they cannot make such a recommendation to the Legislature, but we do advocate that the Minister of Labour sponsor a continuing study of the Construction Industry leading towards an amicable conference between the parties so that their difficulties may be resolved on a voluntary basis, at the same time providing the parties with the benefits they should be deriving from The Labour Relations Act.

The Committee also recommends that a separate panel of the members of the Labour Relations Board be appointed to deal with the Construction Industry.

14. COLLECTIVE AGREEMENTS — Section 34(b)

The Committee recommends that in order to bring The Labour Relations Act into conformity with the Fair Employment Practices Act, Section 34(b) of The Labour Relations Act should be amended to read —

(b) If it discriminates against any person because of his race, creed, colour, nationality, ancestry, or place of origin.

15. CONTENTS OF COLLECTIVE AGREEMENT

Lunch Hour

Representation has been made to the Committee that the Factory Shop and Office Building Act provides that employees are entitled to a minimum of one hour for lunch, whereas certain employers and unions have agreed by collective agreement to a lesser lunch period.

The Committee therefore recommends that the law officers review existing

Labour legislation to determine which, if any, of the provisions may be superseded by agreement of the parties to a collective agreement.

16. CERTIFICATION — Section 7(2)

It is the opinion of the Committee that all employees should have an opportunity of indicating their wishes by democratic process. Subject to the practical requirements, where there is a clear indication by the employees in the bargaining unit, it is the recommendation of the Committee that Section 7(2) of The Labour Relations Act be amended as follows —

> If, on an examination under sub-section 1, the Board is satisfied that not less than 35% and not more than 75% of the employees in the bargaining unit are members of the trade union, the Board shall direct that a representation vote be taken.
>
> If the Board is satisfied that more than 75% of such employees in the bargaining unit are members of the trade union, the Board shall direct that the bargaining unit is automatically certified. In cases where the application is challenged, however, the Board MAY direct that a representation vote be taken.
>
> The Hon. Member for York South dissents because he believes that the 75% requirement is too high.

17. CERTIFICATION AFTER VOTE — Section 7(3)

Eligible Voters

The Committee recommends that Section 7(3) be deleted, and the following substituted therefore —

"Upon the taking of a representation vote, the Board shall certify the Trade Union as the bargaining agent of the employer in the bargaining unit if —

1. More than 50% of the ballots of all those voting are cast in favour of the trade union where not less than 66⅔ per cent of those eligible to vote cast ballots, or
2. More than 50 per cent of the ballots of all those eligible to vote are cast in favour of the trade union in all other cases."

> The Hon. Member for York South agreed with the principle of the amendment but said that the percentage figure of 66⅔ should be changed to 51.

18. CERTIFICATION — Section 7(1)

It is the recommendation of the Committee that when an application for certification is mailed by registered post, with the posting date stamped thereon, the time shall begin to run from the time of posting and not from the date the application reaches the Board.

It is therefore recommended that the following words be added to Section 7(1) —

> "On the date of the mailing, by registered post, of the application for certification".

19. RUN-OFF VOTES — Section 7

It is the recommendation of the Committee that in instances where there are more than two unions seeking to represent the employees, provision be made by the Labour Relations Board for run-off votes.

20. DELAYS IN CERTIFICATION

It has been brought to the attention of the Committee that from time to time long periods of delay occur in the certification procedure without any explanation being given by the Labour Relations Board for such delay.

It is the opinion of the Committee that it would be desirable to keep such delays down to a minimum, and that when they do unavoidably occur, the parties should be advised of the reason for the delay.

21. DECERTIFICATION — Section 41

The Committee is of the opinion that the Procedure for Decertification should be the same as it is for Certification; and the Committee recommends that Section 41 be amended to correspond with the recommendations for amendment to Section 7 of the Act.

22. DECLARATION OF UNLAWFUL STRIKE — Section 59

The Committee recommends that the last five words in Section 59 be deleted, and the following inserted therefor —

> The Board "shall make a declaration that the strike is or is not unlawful, provided that the applicant has not withdrawn the application prior to the making of such declaration".

> The Hon. Members for York South, Bellwoods, and Riverdale dissented because they felt that Section 59 should remain in the statute as presently enacted.

23. DECLARATION OF UNLAWFUL LOCKOUT — Section 60

The Committee recommends that the last five words in Section 60 be deleted, and the following inserted therefor —

> After the Board "SHALL make a declaration that the lockout is or is not unlawful, provided that the applicant has not withdrawn the application prior to the making of such declaration".

> The Hon. Members for York South, Bellwoods, and Riverdale dissented because they felt that Section 60 should remain in the statute as presently enacted.

When an application is made to inquire into a complaint that any person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act, such application shall be made to the Labour Relations Board.

If the Board finds that such an inquiry should be made, the Board shall request the Minister of Labour to appoint a Conciliation Officer to inquire into the complaint and endeavour to effect a settlement of the matter.

The Conciliation Officer shall report the result of his inquiry to the Labour Relations Board.

If neither party involved in the complaint objects to the report of the Conciliation Officer within a period of 14 days, the Labour Relations Board can take whatever action it considers necessary including dismissal of the complaint; an order of reinstatement, and/or an order for payment of compensation for time lost during the employer's improper action, if such be found.

If objection is taken to the report of the Conciliation Officer, the Labour Relations Board is empowered to appoint a Commissioner to investigate the complaint with the same powers as a Conciliation Board under Section 26 of the Act. Such Commissioner shall recommend to the Board what course ought to be taken, and the Board shall then issue whatever order it deems necessary to carry out the recommendations of the Commissioner.

If the circumstances so dictate, the complaint could be heard by the full Board or by a panel of the Board, and the said Board would have power to make findings in connection with the complaint.

The findings could be in the form of an order of the Board, and such order of the Board could then be filed in the Supreme Court of Ontario and would be made effective as an order of that Court.

25. ESSENTIAL SERVICES

It is the recommendation of the Committee that a model clause should be included in the Act, to be made part of all collective agreements which would provide that there shall be no stoppage of work by any employees who are responsible for the maintenance of essential services to the community at large, as distinguished from an employer.

26. ENFORCEMENT

Numerous submissions have been made to the Committee that the Labour Relations Board has not enforced the provisions of The Labour Relations Act when infractions of the said Act have occurred, and it has been so found by the Board.

In our recommendations hereunder, we have suggested certain changes and modifications in the Act, which, in our opinion, would provide the Board with the necessary power whereby it can enforce the provisions of the Act.

Such recommendations necessarily require the repeal of various sections of the Act, such as Section 65, which makes it necessary to have the consent of the Labour Relations Board to prosecute.

The Committee declines to define the meaning of an unfair labour practice because it feels that the specific act objected to would be better defined on its merits upon an application to the Ontario Labour Relations Board.

The Committee is of the opinion that the procedure for bringing such an application before the Labour Relations Board should be simplified in order to speed up the presentation of the application.

The Committee recommends that the Board, having rendered its decision, should have the necessary powers to enforce it by cease and desist orders supplemented by a sufficiently strong penalty section of the Act where the Board finds that its orders are not obeyed.

Provision for the enforcement of the Board order could be made by amending the Act to permit filing of the order in the Supreme Court of Ontario and making it effective as an order of that Court.

27. APPEALS

The Committee recommends to the Legislature that there be a right of appeal in all cases after first obtaining leave from the Chief Justice of Ontario.

If the appeal involves a question of law only, it shall be by way of stated case.

If the appeal involves an issue of fact only, or of mixed law and fact, then the appeal may be heard either by trial *de novo* or by reviewing the transcript only.

The Hon. Member for York South, and the Hon. Member for Riverdale dissented from this recommendation because they felt that Section 69 of the Act as presently enacted should remain in the statutes without amendment.

28. CEASE AND DESIST

It is the recommendation of the Committee that the Labour Relations Board be empowered to issue Cease and Desist orders for a failure to comply with or contravention of any provisions of the Act, or of any decision, direction, declaration or ruling made under the Act where the Labour Relations Board in its discretion sees fit to do so.

29. FREEDOMS

Section 3

It has been submitted to the Committee that every person should be free to abstain from joining a trade union because of his religious convictions.

The Committee feels that the right of such a person should be respected, but does not recommend that it should be provided for by legislation at this time.

It has been pointed out that such persons do not desire to accept the benefit of labour union efforts without some recognition of their appreciation for the commendable gains made on their behalf.

It has been suggested that such persons would be willing to pay the equivalent of initiation fees and monthly dues to the appropriate union on the understanding

that the moneys thus contributed or their equivalent, will be used in a welfare fund, sick benefit fund, or some mutually satisfactory charity supported by the union in question.

30. FREEDOM OF SPEECH — Section 45

It is the recommendation of this Committee that employers should be free to express their views on an equal basis with trade unions provided they do not use coercion, intimidation, threats, promises or undue influence.

The Hon. Member for York South dissents because he feels that the Labour Relations Board in practice has established the limitation of managements freedom of speech in certification campaigns.

The Hon. Members for Kenora and Riverdale dissent because they are of the opinion that Section 45 already provides for the principle involved in this recommendation; and is now set forth by known decisions of the Labour Relations Board.

31. FINANCIAL REPORTS, PENSION AND WELFARE FUNDS

The Committee is of the opinion that in the interest of the Trade Union movement, as well as the members of it, some protection should be provided both to the movement and to the members thereof in relation to the Pension and Welfare Funds, and to the Financial Statements of the Unions operating in the Province of Ontario.

To this end the Committee recommends —

1. That annual audited statements of accounts of all Pension and Welfare funds, whether operated solely by a trade union or jointly between a trade union and employer, or through a trust which may be established, shall be filed annually with the Department of Labour.

2. The Committee is concerned about the loss of financial benefits of members who have contributed to Pension and Welfare Funds, and who have suffered either loss of membership in the union or who have been transferred to other employment.

   Therefore, the Committee recommends that consideration should be given to requiring Unions operating in Ontario, in the event that a member thereof loses his membership in the Union for any reason, or in the event that a member changes his employment, to refund to the said member the contribution that he has paid into the fund, or in the event that the member has contributed for a period of say five years, that the member should have repaid to him his contribution to the fund, plus interest.

3. That all funds collected by a trade union for the purposes of Pension or Welfare Funds, and all funds collected by a trade union and employer for the same purpose, shall be invested and retained in Canada.

4. That all unions shall annually supply to each of their members an audited Financial Statement of the Union's financial affairs.

32. HOSPITAL EMPLOYEES

The Committee is of the opinion that any interruption of Hospital services involving the care of sick people is undesirable.

We therefore recommend that provision should be made in the Act that if the parties fail to reach an agreement by normal process of negotiation, the matters in dispute shall be referred to a Board of Conciliation and that in order to ensure that there shall be no stoppage of work, the report of such Board of Conciliation shall be accepted as final and binding by both parties.

33. HORTICULTURE — Section 2

It is the opinion of the Committee that Section 2(b) of The Labour Relations Act should be amended to permit those persons who are now employed by Nursery Companies, by Reforestation programmes, and Landscaping, to come under the provisions of this Act.

34. INTIMIDATION — Section 48

It is the recommendation of the Committee that Section 48 of The Labour Relations Act be amended by adding —

> Sub-section (3) — No person shall seek by intimidation or coercion to compel any person to accept work, to refrain from accepting work, or to cease work.

35. INTERPRETATION — Section 1(3)

Employee

In order to clearly establish the dividing line between those who exercise the functions of management and those who do not, the Committee recommends that a new sub-section be added to Section 1(3) to provide that no person shall be deemed to be an employee

(c) who has the authority to hire and discharge other employees.

36. INJUNCTIONS

The Committee has received submissions that before an injunction is granted in a matter involving The Labour Relations Act, both parties should be present and be entitled to make representation.

The Committee therefore recommends that there should be no ex-parte injunctions granted in matters affecting The Labour Relations Act, except in case of emergency, and suggests that —

(a) the rules of practice in the Supreme Court, and such other rules as might apply, be amended to require notice to both parties, or

(b) that prior to an injunction being granted, application should be made to the Labour Relations Board, and permission of that Board obtained.

(c) that the notice required to be given in accordance with this recommendation shall be deemed to have been given if personal service is effected, or if it is left at the Union office, or at the last known address of some person known to be a member of the union executive.

37. JURISDICTIONAL DISPUTES — Section 32

Work Assignments

It is the recommendation of the Committee that strike action, work stoppage or picketing in connection with a jurisdictional dispute arising because of a work assignment shall be declared unlawful.

The Committee further recommends that the parties usually concerned with jurisdictional disputes should set up suitable machinery in Ontario to resolve such disputes themselves.

In the event that the parties fail to establish such machinery or that the machinery established does not resolve a dispute within a reasonable time.

It is recommended that any person affected by a jurisdictional dispute should have the right to make application to the Labour Relations Board, and the Board shall be empowered to resolve the dispute, and enforce its decision.

38. MUNICIPAL EMPLOYEES — Section 78

It is the recommendation of the Committee that Section 78 of The Labour Relations Act be repealed.

39. OFFICE WORKERS

It is the recommendation of the Committee that Office Workers belonging to the same union as plant workers be given the right to choose, by secret ballot, whether they wish to be represented by —

(a) a separate local union

(b) the same local union, but a separate unit

(c) the plant workers' unit

40. PREAMBLE TO THE ACT

Whereas it is in the public interest that industrial peace be achieved and maintained in the Province of Ontario.

41. PENALTIES — Section 61(1)

It is the recommendation of the Committee that Section 61 of The Labour Relations Act be amended by deleting the words "on summary conviction" in the last line of Section 61(1) so that this line will now read —

"is guilty of an offence and is liable"

42. PICKETING

It is the recommendation of the Committee that —

No person, officer, offitial or agent of a Trade Union, and no trade union or council of trade unions shall seek, authorize, counsel, procure, support or encourage, in any manner whatsoever, to impede, delay or interfere with entry or access to any employer's place of business, or to persuade anyone not to enter such place of business, or to carry on business with such employer, or to engage in what is commonly called picketing when —

(a) The Board has made a declaration of an unlawful strike under Section 59 of The Labour Relations Act.
(b) The object of such conduct is the establishment of bargaining rights;
(c) Where the object of such conduct arises out of a jurisdictional dispute;
(d) Where such an employer is not a party to the labour dispute.

It is further recommended by the Committee —

That where a lawful strike is in progress, picketing will be limited to those actually in the bargaining unit of the employer affected.

43. STRIKES

Section 49(2)

The Committee recommends that the latter part of Section 49(2) which states that after conciliation services have been granted and seven days have elapsed after the Conciliation Board has reported to the Minister, or the Minister has informed the parties that he does not deem it advisable to appoint a Conciliation Board, should be amended to provide that no strike or lockout shall take place until seven days have elapsed AFTER the parties have received a copy of the Board report or seven days after the parties have received notice from the Minister that no Board will be appointed.

44. STRIKE VOTE

It is the recommendation of the Committee that no strike vote shall be taken until the right to strike exists.

It is further recommended that no such strike vote shall be taken until all the members of the bargaining unit have received due notice of the date, time and place of the meeting at which the strike vote is to be taken.

45. SUCCESSOR RIGHTS

It is the recommendation of the Committee that where —

1. A Trade Union has been certified as the bargaining unit for the employees of an employer, or
2. Where an employer has entered into a collective agreement with a union, and where in either instance the facts establish that the plant, property, equipment, products and working force remain virtually unaltered as a result of the sale

or other transfer-in-law of the business of the employer, and no essential attribute of the employment relationship has been changed as a result of the sale or other transfer-in-law, the certification and consequent obligation should continue or the collective agreement should continue to be binding, as the case may be, notwithstanding the change in legal ownership of the business enterprise.

46. UNION TRUSTEESHIP

The Committee considered the problem of certain unions, and locals thereof being placed under trusteeship, and frequently being kept under trusteeships for lengthy periods of time.

The Committee is of the opinion that trusteeships should not be continued in excess of 12 months, without the consent of the Labour Relations Board.

The Committee therefore recommends that notice of any Union or Local thereof being placed under trusteeship, together with the terms of such trusteeship, shall be filed with the Labour Relations Board.

The Committee further recommends that every trusteeship shall automatically terminate at the expiration of a 12-month period from the time of its creation; Provided however that an application can be made to the Labour Relations Board to renew the said trusteeship and if the said Board is satisfied that the circumstances require a further renewal of the trusteeship the said Board shall grant the application for renewal for a period not to exceed 12 months. If the legislature accepts this recommendation and passes the required statute it should be provided that notice of all trusteeships existing at the time that this legislation would come into effect shall be filed with the Department of Labour, together with the terms of such trusteeship within a period of 60 days from the time the legislation is proclaimed.

47. UNION SHOP

It is the recommendation of the Committee that where Union Membership is terminated for reasons other than refusal to pay dues, and a person loses employment as a consequence, that person shall have the right to appeal to the Labour Relations Board, which Board shall make such order as it deems fit.

At the hearing of the said appeal, the person involved and the Trade Union concerned shall be heard.

This, however, would not apply in cases where a Trade Union has established an impartial tribunal outside the Union Membership to expeditiously deal with such matters.

The Hon. Member for York South dissents because he believes we should not short circuit by legislation the established appeal procedure set up by Union constitutions.

The Hon. Member for Essex North dissents because he believes that in order to encourage union responsibility, these matters could very well be left in the hands of the Unions involved.

48. UNION SHOP OR CLOSED SHOP

It is the recommendation of the Committee that no collective bargaining agreement shall include a provision for a closed shop or union shop unless the Trade Union first shall have been certified by the Labour Relations Board as the bargaining agent of the bargaining unit affected, or unless the union otherwise establishes that at the time the agreement was entered into it did in fact have as members in good standing the majority of the employees in the bargaining unit required for automatic certification.

49. REVIEW OF THE LABOUR RELATIONS ACT

It is the recommendation of the Committee that a Select Committee of the Legislature be appointed every five years to study The Labour Relations Act of Ontario, and to examine into and report regarding the operation and administration of the Act in all its aspects.

50. EMPLOYEES OF THE CROWN

Several submissions were received from Trade Unions stating that Employees of the Crown should be covered by The Labour Relations Act. The Committee noted, however, that no request was received from the Ontario Civil Service Association.

It is therefore the opinion of the Committee that The Labour Relations Act should not apply to the Crown as an employer.

The Hon. Members for York South and Essex North dissent from this recommendation.

51. INDUSTRIAL INQUIRY COMMISSION

It is the recommendation of the Committee that —

1. In matters affecting the public interest, the Lieutenant-Governor in Council may either upon application or of his own initiative, where it is deemed expedient, make or cause to be made any inquiries the Lieutenant-Governor in Council thinks fit regarding industrial matters, and do such things as may seem calculated to maintain or secure industrial peace and to promote conditions favourable to settlement of disputes.

2. For any of the purposes mentioned in the above recommendation or where in any industry a dispute or difference between employers and employees exists or is apprehended, and where the matter involves the public interest, the Lieutenant-Governor in Council may refer the matters involved to a Commission, to be designated as an Industrial Inquiry Commission, for investigation thereof, as the Lieutenant-Governor in Council deems expedient, and for report thereon; and shall furnish the Commission with a statement of the matters concerning which such inquiry is to be made, and in the case of any inquiry involving any particular persons or parties, shall advise such persons or parties of such appointment.

3. Immediately following its appointment an Industrial Inquiry Commission shall inquire into the matters referred to it by the Lieutenant-Governor in Council and endeavour to carry out its terms of reference; and in the case of a dispute or difference in which a settlement has not been effected in the meantime, the report of the result of its inquiries, including its recommendations, shall be made to the Lieutenant-Governor in Council within fourteen days of its appointment or such extension thereof as the Lieutenant-Governor may from time to time grant.

4. Upon receipt of a report of an Industrial Inquiry Commission relating to any dispute or difference between employers and employees, where the public interest is involved, the Lieutenant-Governor in Council shall furnish a copy to each of the parties affected and shall publish the same in such manner as the Lieutenant-Governor in Council sees fit.

5. It is further provided that the Lieutenant-Governor in Council, in order to maintain or secure industrial peace and to promote conditions favourable to the settlement of disputes, may order that no strike or lockout shall occur in disputes involving the public interest until such time as the report from the Industrial Inquiry Commission shall have been received.

6. It is the recommendation of the Committee that the Chairman and Members of the Industrial Inquiry Commission shall be paid such remuneration and expenses as allowed by the Lieutenant-Governor in Council.

APPENDICES

A. Interim Report dated 25th March, 1958.

B. Schedule of Meetings, Hearings and Appearances.

C. List of Organizations representing Employees, Employers and Others who submitted briefs.

D. Statistics.

E. Bibliography.

INTERIM REPORT

of the

SELECT COMMITTEE ON LABOUR RELATIONS

of the

ONTARIO LEGISLATURE

James A. Maloney, Q.C., *Chairman*	Renfrew South
G. E. Jackson	London South
Robert W. Macaulay, Q.C.	Riverdale
Donald C. MacDonald	York South
Ellis P. Morningstar	Welland
Raymond M. Myers, Q.C.	Waterloo South
Arthur J. Reaume	Essex North
H. Leslie Rowntree, Q.C.	York West
Hon. J. W. Spooner	Cochrane South
Albert Wren	Kenora
John Yaremko, Q.C.	Bellwoods

George T. Walsh, Q.C.	Committee Counsel
Harold Perkins	Committee Secretary

To The Honourable
The Legislative Assembly
of the Province of Ontario.

Toronto, Ont.
March 25th, 1958.

Honourable Members:

This Select Committee on Labour Relations was appointed on the 27th day of March, 1957, during the Third Session of the Twenty-fifth Parliament, on the motion of the Honourable Leslie M. Frost, Prime Minister of Ontario, seconded by the Honourable Charles Daley, Minister of Labour —

"Ordered, That a Select Committee of the House be appointed to examine into and report regarding the operation and administration of The Labour Relations Act in all of its aspects.

"And that the Select Committee have authority to sit during the interval between Sessions and have full power and authority to call for persons, papers and things and to examine witnesses under oath, and the Assembly doth command and compel attendance before the said Select Committee of such persons and the production of such papers and things as the Committee may deem necessary for any of its proceedings and deliberations, for which purpose the Honourable the Speaker may issue his warrant or warrants.

"The said Committee to consist of eleven members, as follows:

"Mr. Maloney (Chairman), Messrs. Jackson, Macaulay, MacDonald, Morningstar, Myers, Reaume, Rowntree, Spooner, Wren, Yaremko."

Since our appointment we have pursued our studies of this matter, but unfortunately there has not been sufficient time to furnish an adequate synopsis of the numerous problems involved or to investigate all of the particular conditions which exist in the complicated field of labour relations in the Province of Ontario.

The Committee held its first meeting on April 17th, 1957, for organizational purposes and to decide on procedure, etc. It was decided to meet on Tuesdays, Wednesdays and Thursdays, and the Committee concluded that the best way to carry out the task assigned to us was to invite employee organizations, employer organizations and other groups and persons connected with labour relations to make submissions to this Committee, containing their views on the operation and administration of The Labour Relations Act, and to submit suggestions for amendments or additions to that Act which they considered to be necessary from their experience in this field.

The Committee appointed Mr. Harold Perkins, Secretary to the Committee and Mr. George T. Walsh, Q.C., Committee Counsel.

The Committee adjourned until the 24th of June, 1957, and met again on June 24th, 25th and 26th, to receive a report prepared by Professor H. A. Logan on the "Antecedents of The Labour Relations Act 1950". This report dealt with the historical background of labour relations in Ontario which lead up to the passing of the Collective Bargaining Act of 1943, and subsequently the Labour Relations Board Acts of 1944 and 1947, and The Labour Relations Acts of 1948 and 1950.

On June 25th Mr. J. B. Metzler, Deputy Minister of Labour, filed a "Summary of the Provisions of The Labour Relations Act" which dealt with the main provisions of the Ontario Labour Relations Act, with detailed explanation of the administration of most of the important sections of that Act.

During the discussion of these two reports, the Committee had the benefit of advice from Mr. J. Finkelman, Chairman of the Labour Relations Board, and Mr. Louis Fine, Chief Conciliation Officer of the Department of Labour, who were able to explain details in connection with the Labour Relations Board, and the Conciliation services of the Department of Labour. The Committee also had the advice and experience of the Honourable Charles Daley, Minister of Labour, and Mr. J. B. Metzler, Deputy Minister of Labour.

The Committee adjourned its sessions until the week of September 23rd, 1957, in order to obtain necessary information and statistics for the information of the Committee.

On September 23rd and 24th the Department of Labour filed a "Statistical analysis of operations under The Labour Relations Act" and "Statistical Tables on the Operations of the Ontario Labour Relations Board and Conciliation Services".

On September 25th the Committee commenced public hearings when written briefs were presented to the Committee by organizations representing management, labour, and other interested parties. After the presentation of each Brief, the Committee examined the witnesses on many of the items and recommendations contained in the brief submitted, and in this way we have accumulated a vast amount of information concerning the operation and administration of The Labour Relations Act as administered by the Labour Relations Board and the Ontario Department of Labour.

Altogether, seventy briefs and submissions containing over 500 suggestions and recommendations for amendments, deletions, or additions to The Labour Relations Act were received and considered by the Committee.

A summary of these recommendations is tabled with this Interim Report, but a few of the main problems placed before this Committee are listed hereinunder:

Certification

It was recommended that certification should be granted if a majority of all those voting voted in favour of a Union;

That employers should be permitted to communicate information to their employees during organizational or certification process.

Conciliation

It was alleged that the Conciliation process takes too long;

That Conciliation process could be shortened by making an overall time limit of 60 to 90 days;

That the Conciliation process could be shortened by entirely eliminating the Conciliation Board step.

Arbitration

That Section 32(1) should be extended to apply to all disputes during the term of the agreement;

In the alternative, to make strikes legal in cases of non-arbitrable grievances;

That legislation be enacted to make jurisdictional disputes subject to arbitration;

That legislation be enacted to make arbitration awards enforceable.

Public Employees

That The Labour Relations Act should apply to employees of the Crown;

That Section 78 (re municipal employees) should be deleted.

Unfair Practices

That the refusal of an employer to bargain during a strike should be listed as an unfair labour practice;

That unlawful strikes, sympathy strikes, unlawful picketing, organizational picketing, picketing as secondary boycotts, and jurisdictional picketing should be prohibited.

Union Security

That voluntary check-off of union dues should be granted if employees approve of same by vote.

Financial Statements

That Unions should file Financial Statements.

Exemptions

That hospital employees should be exempt from the Act;

That certain professional groups should be exempt from the Act.

Enforcement

That Unions should be licensed and subject to suit;

That the Rights of Labour Act should be repealed;

That the Labour Relations Board should issue "cease and desist" orders;

That decisions of the Labour Relations Board should be subject to appeal.

Prosecutions

That all illegal and criminal acts be vigorously prosecuted by the Crown;

Provide heavier penalties for violations of the Act.

On January 30th, 1958, sworn evidence was presented to the Committee alleging intimidation, coercion, damage to property, violence and threats of violence in the trucking industry. The Committee decided to refer this matter to the Attorney-General for investigation by that Department. The Attorney-General informed the House on February 11th, 1958, that he was proceeding with this investigation under the Public Enquiries Act.

The problem of Labour Relations is so involved and so technical with implications covering such a wide field, your Committee found it impossible to finally complete a satisfactory study during the time the Committee has been in existence.

Your Committee feels that some additional investigation and study is necessary before they would be in a position to make any report to this House in accordance with the terms of reference setting up this Select Committee.

To this end we submit herewith this Interim Progress Report, and we respectfully request that the life of this Committee be extended to enable us to continue this investigation immediately after this Session is prorogued so that we can hear the submissions still to be presented, study comparative legislation in force in other jurisdictions, and that we then be permitted, after careful consideration of all matters brought to the attention of this Committee, to make our Report.

JAMES A. MALONEY, *Chairman*

G. E. JACKSON	A. J. REAUME
R. W. MACAULAY	H. L. ROWNTREE
D. C. MACDONALD	J. W. SPOONER
E. P. MORNINGSTAR	A. WREN
R. M. MYERS	J. YAREMKO

Dated at Toronto this 25th day of March, 1958.

Appendix B

SCHEDULE OF COMMITTEE MEETINGS AND HEARINGS

1957

April 17 — Organizational Meeting.

June 24 — Prof. H. A. Logan — Antecedents of Labour Relations Act.
25 — J. B. Metzler — Summary of Provisions of Labour Relations Act.
26 — Louis Fine — Conciliation Services.

Sept. 23 — J. Finkelman — Statistical Tables and Operation of Labour Relations Board.
24 — J. Finkelman — Statistical Tables and Operation of Labour Relations Board.
25 — National Council of Canadian Labour.
Christian Labour Association of Canada.
26 — Employer Associations for Construction Industry of Ontario (25).

Oct. 1 — Ontario Federation of Labour.
2 — Ontario Hotel Association.
Building Service Employees International Union.
3 — International Union Mine, Mill and Smelter Workers.
9 — Seventh-Day Adventists Church in Canada.
Ontario Mining Association.
10 — Canadian Automobile Chamber of Commerce.
Canadian Independent Labour Associations and Unions.
15 — United Automobile, etc., Workers of America, U.A.W.
16 — United Electrical Radio and Machine Workers, U.E.W.
17 — Prof. H. D. Woods.
22 — Building and Construction Trades Council, Hamilton.
Building and Construction Trades Council, Toronto.
23 — Ontario Hospital Association.
National Union of Public Service Employees.
24 — Registered Nurses Association of Ontario.
Canadian Physiotherapy Association.
Ontario Land Surveyors Association.
29 — Canadian Manufacturers Association.
30 — Canadian Manufacturers Association (continuation).

1957

Nov. 26 — United Steelworkers of America.

27 — Group of London Manufactures.
Canada Vitrified Products Limited.

28 — Chamber of Commerce of Ontario.
Chamber of Commerce, London.
Chamber of Commerce, Kitchener.
Chamber of Commerce, Windsor.
Windsor Automotive Parts Manufacturers.

Dec. 3 — Ontario Dietetic Association.
United Automobile, etc., Workers of America—U.A.W. (Continuation).
Canada Name Plate Ltd.

4 — National Union of Public Employees.
Ontario Federation of Public Employees.
Hamilton and District Labour Council.
United Packinghouse Workers of America.

5 — Gamble-Robinson Ltd.
United Brewery, Flour and Distillery Workers of America.

1958

Jan. 21 — Christian Reformed Church.
Co-operative Commonwealth Federation.
H. G. Pittman and Associates.

22 — International Nickel Co. of Canada Ltd.
Religion — Labour Foundation.

23 — Teamsters, Chauffeurs, Warehousemen and Helpers.
Motor Transport Industrial Relations Bureau.
Ontario Federation of Printing Trades Unions.

28 — Ontario Forest Industries Association.
J. C. Adams, Q.C.
E. Macaulay Dillon, Q.C.

29 — Culinary Bartenders and Hotel Service Employees.
Canadian Construction Workers Union Div. 2.
United Mine Workers of America, District 50.

30 — Ontario Daily Newspaper Publications.
Individual Dump-Truck Owners Association.
Aggregate Producers Association of Ontario.

31 — Board of Trade of the City of Toronto.

April 29 — Prof. H. A. Logan — Jurisdictional Disputes in the Construction Industry.
Prof. J. Finkelman — "Section 78", "Consent to Prosecute", "Strikes and Lockouts".

30 — Windsor and District Labour Council.

1958

May 1 — Hamilton Municipal Employees Association.
Association of Ontario Mayors and Reeves.
Textile Workers of America.

2 — Norman L. Mathews, Q.C.
Ian S. Johnston, Q.C.
J. H. Osler, Q.C.

5 — Building Service Employees International Union. (Continuation).
Ontario Hospital Association (continuation).
Bricklayers and Masons Union, No. 1, Hamilton.

6 — Ontario Hydro Professional Engineers Society.
Association of Professional Engineers of Ontario.
Labour Progressive Party.
Miller Stewart.
Ronald Waterson.

7 — Ontario Professional Foresters Association.
Fisher's Bread Ltd.
Barbers' International Union.

8 — Ontario Federation of Labour (continuation).

9 — Ontario Provincial Conference of Bricklayers, Masons and Plasterers International Unions of America.
Canadian Officers of Building and Construction International Unions.

13 — J. B. Metzler — Conciliation Statistics.

14 — United Association of Plumbing and Pipefitting Industry.
Fisher's Bread Ltd. (continuation).

15 — Prof. Bora Laskin.

List of Briefs Tabled But No Hearings

Automotive Dealer Associations of Ontario
Automotive Dealers Association of Toronto
Cameron, Prof. J. C. — Queen's University
Canadian Textile Council
Dominion Cartage Limited
Charles R. Ellis
Freudeman, F. L.
Houck, J. E.
London Free Press Printing Co.
Lore and Sligh, of Windsor
MacLeod, Donald G.
Ontario Municipal Electric Association
Primary Textile Institute
Steele, Miss Louise (R.N.)

June 9, 10, 11, 12 — Executive Meetings.
17, 18, 19, 20 — Executive Meetings.
23, 24, 25, 26, 27 — Executive Meetings.

July 9, 10 — Executive Meetings.

LIST OF ORGANIZATIONS REPRESENTING EMPLOYEES WHO SUBMITTED BRIEFS TO THE SELECT COMMITTEE ON LABOUR RELATIONS

Barbers' International Union.
Building and Construction Trades Council, Toronto.
Building and Construction Trades, International Officers Association.
Building Service Employees, International Union.
Bricklayers and Masons Union No. 1, Hamilton.
Bricklayers, Masons and Plasterers, Ontario Provincial Conference.
Canadian Construction Workers Union, Div. 2.
Canadian Independent Labour Associations and Unions.
Canadian Physiotherapy Association.
Canadian Textile Council.
Christian Labour Association of Canada — Hamilton.
Culinary Bartenders and Hotel Service Employees.
Hamilton and District Labour Council.
Hamilton Building and Construction Trades Council.
Hamilton Municipal Employees Association.
International Union of Mine, Mill and Smelter Workers.
National Council of Canadian Labour.
National Union of Public Employees.
National Union of Public Service Employees.
Ontario Dietetic Association.
Ontario Federation of Labour.
Ontario Federation of Printing Trades Unions.
Ontario Federation of Public Employees.
Registered Nurses Association of Ontario.
Teamsters, Chauffeurs, Warehousemen and Helpers.
Textile Workers Union of America.
United Association of Plumbing and Pipefitting Industry.
United Automobile, Aircraft, etc., Workers of America — U.A.W.
United Brewery, Flour, etc., and Distillery Workers of America.
United Brotherhood of Carpenters and Joiners, Provincial Council.
United Electrical Radio and Machine Workers, U.E.W.
United Mine Workers of America, District 50.
United Packinghouse Workers of America.
United Steelworkers of America.
Windsor and District Labour Council.

LIST OF ORGANIZATIONS REPRESENTING EMPLOYERS WHO SUBMITTED BRIEFS TO THE SELECT COMMITTEE ON LABOUR RELATIONS

Aggregate Producers Association of Ontario.
Board of Trade of the City of Toronto.
Canada Vitrified Products Ltd.
Canadian Automobile Chamber of Commerce.
Canadian Manufacturers Association —
- Canadian Electrical Manufacturers Association.
- Canadian Warehousemen's Association.
- Council of Printing Industries.
- Grand River Industrial Association.
- Radio, Electronics, Television, Manufacturers Association of Canada.

Canadian Name Plate Co. Ltd.
Chamber of Commerce of Ontario.
Chamber of Commerce, London, Kitchener and Windsor.
Dominion Cartage Ltd.
Employer Associations for Construction Industry of Ontario (25).
Fisher's Bread Ltd.
Gamble-Robinson Ltd.
International Nickel Co. of Canada, Ltd.
London Free Press Printing Co. Ltd.
London Manufacturers, Group of.
Ontario Daily Newspaper Publications.
Ontario Forest Industries Association.
Ontario Hospital Association.
Ontario Hotel Association.
Ontario Mining Association.
Primary Textiles Institute.
Windsor Automotive Parts Manufacturers.

LIST OF OTHER GROUPS OR INDIVIDUALS WHO SUBMITTED BRIEFS TO THE SELECT COMMITTEE ON LABOUR RELATIONS

Adams, J. C., Q.C.
Association of Professional Engineers of Ontario
Automobile Dealers Association of Toronto
Automobile Dealer Associations of Ontario
Christian Reformed Church
Co-operative Commonwealth Federation
Cameron, Prof. J. C., Queen's University
Dillon, E. Macaulay, Q.C.
Ellis, C. R.
Freudeman, F. L.
Houck, J. E., Industrial Relations
Individual Dump-Truck Owners Association
Johnston, Ian S., Q.C.
Labour Progressive Party
Laskin, Prof. Bora — University of Toronto
Lore, T. and Sligh, W.
MacLeod, Donald G.
Mathews, Norman L., Q.C.
Ontario Hydro Professional Engineers Society
Ontario Land Surveyors, Association of
Ontario Mayors and Reeves Association
Ontario Municipal Electric Association
Ontario Professional Foresters Association
Osler, J. H., Q.C.
Pittman, H. G. and Associates
Religion-Labour Foundation, Toronto
Seventh-Day Adventist Church
Steele, Miss Louise — Registered Nurse
Stewart, Miller
Waterson, Ronald
Woods, Prof. H. D. — McGill University

STATISTICS

1. Pattern of Conciliation Procedure in 228 Disputes Completing Full Conciliation Process, 1956-57.

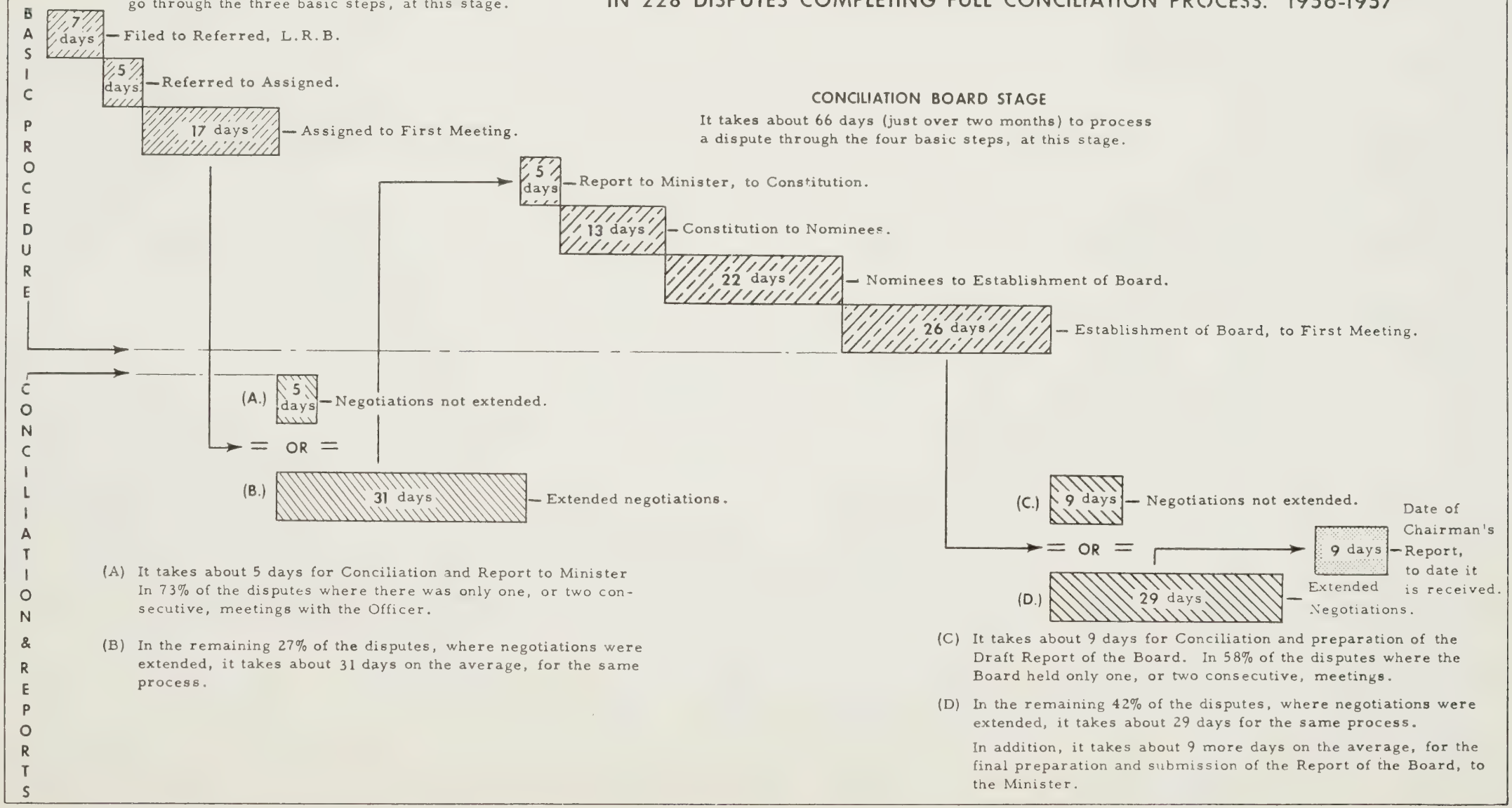
2. Overall Average Time Lapse for All Disputes Disposed of by the Conciliation Procedure, 1956-57, by Stage of Disposition.

3. Number of Disputes Disposed of by the Conciliation System, 1956-57, by Disposition and by Major Industry Group.

4. Disputes Disposed of by the Conciliation System, 1956-57, by Size of Bargaining Unit, showing Number of Disputes and Number of Employees.

5. Certification Applications Disposed of by the Labour Relations Board by Major Industry Group, 1955-56 and 1956-57.

THE PATTERN OF CONCILIATION PROCEDURE
IN 228 DISPUTES COMPLETING FULL CONCILIATION PROCESS. 1956-1957



(A) It takes about 5 days for Conciliation and Report to Minister In 73% of the disputes where there was only one, or two consecutive, meetings with the Officer.

(B) In the remaining 27% of the disputes, where negotiations were extended, it takes about 31 days on the average, for the same process.

(C) It takes about 9 days for Conciliation and preparation of the Draft Report of the Board. In 58% of the disputes where the Board held only one, or two consecutive, meetings.

(D) In the remaining 42% of the disputes, where negotiations were extended, it takes about 29 days for the same process.

In addition, it takes about 9 more days on the average, for the final preparation and submission of the Report of the Board, to the Minister.

CHART IV

TABLE 1: Overall Average Time Lapse for All Disputes Disposed of by the Conciliation Procedure 1956-57, by Stage of Disposition

Disposition	Number of Disputes		Percentage Distribution	Average Time Lapse (rounded in days)
Disposed of at end of Officer Stage				
Settled by Conciliation Officers	502		58.9	60
"No Board" Recommendation	62		7.3	71
Lapsed at Officer Stage	8		1.0	—
		572		
Disposed of During Board Stage				
Settled prior to Board Operation	51		6.0	98
Disposed of after completing the Two Level Procedure	228		26.7	157
(a) Settled by Boards during hearings	93			150
(b) Not settled directly by Boards; reports issued to parties	135			160
Lapsed at Board Stage	1		.1	—
Disputes Disposed of at the Board Stage		280		147
Total Disputes Disposed of During the Period		852	100.0	85

Source: Figures on number of disputes disposed of were taken from "Statistical Tables on the Operation of the Ontario Labour Relations Board and on Conciliation Services in the Department of Labour", Part II, particularly Tables V and VA, pages 18 and 19.

TABLE 12: Number of Disputes Disposed of by the Conciliation System, 1956-57, by Disposition and by Major Industry Group[1]

Industry	Settled by Officer	Recommended No Board	Settled by Parties Prior to Board	Settled by Board	Not Settled Directly by Board	TOTAL[2]
Forestry	6	1	—	4	1	13
Mining	12	1	2	4	2	23
Manufacturing	288	23	37	58	95	504
Construction	52	15	4	3	8	85
Transportation, Storage and Communication	9	5	—	4	1	19
Public Utilities	9	1	—	3	3	16
Trade	75	7	4	10	14	110
Finance, Insurance and Real Estate	5	—	1	1	—	7
Service	46	9	3	6	11	75
	502	62	51	93	135	852

(1) The establishments involved in these disputes were classified according to the Standard Industrial Classification of the Dominion Bureau of Statistics, as shown in "List of Establishments", Province of Ontario, Vol. III.

(2) Includes 8 lapsed at Officer Stage and 1 lapsed at Board Stage.

Table 10: Disputes Disposed of by the Conciliation System, 1956-57, by Size of Bargaining Unit, showing Number of Disputes and Number of Employees

Size of Unit (in employees)	Settled by Officer		Recommended No Board		Settled Prior to Board Operation		Settled by Board		Not Settled by Board		TOTAL[1] All Disputes	
	Disputes	Employees	Disputes	Employees	Disputes	Employees	Disputes	Employees	Disputes	Employees	Disputes	Employees
Under 10	78	450	22	121	5	22	9	57	9	52	126	719
10 - 49	196	4,795	31	618	11	252	24	599	39	943	304	7,270
50 - 99	73	4,870	4	298	6	450	16	1,111	32	2,148	133	9,002
100 - 199	74	10,415	1	101	16	2,348	14	1,995	15	1,990	121	16,999
200 - 299	24	5,694	2	502	4	932	15	3,534	11	2,410	56	13,072
300 - 399	20	6,743	1	351	3	998	1	399	12	3,929	37	12,420
400 - 499	12	5,219	—	—	—	—	1	400	5	1,990	18	7,609
500 and Over	25	36,740	1	533	6	5,968	13	20,410	12	38,921	57	102,572
Total	502	74,926	62	2,524	51	10,970	93	28,505	135	52,383	852	169,663

(1) Includes 9 Lapsed disputes.

Certification Applications Disposed of by the Labour Relations Board by Major Industry Group, 1955-56 and 1956-57

Major Industry Group[1]	1955-56		1956-57	
	Applications Disposed of	Percentage Distribution	Applications Disposed of	Percentage Distribution
Forestry	20	2.4	19	1.9
Mining	18	2.1	37	3.5
Manufacturing	343	40.1	402	38.0
Construction	211	24.6	223	21.0
Transportation	47	5.5	51	4.8
Public Utilities	16	1.8	16	1.5
Trade	131	15.4	176	16.7
Finance, Insurance and Real Estate	4	0.5	7	0.7
Services	65	7.6	126	11.9
Total	855	100.0	1,057	100.0

(1) Establishments involved in the applications disposed of are classified according to the Standard Industrial Classification of the Dominion Bureau of Statistics.

Appendix E

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